

2514
No. 11839

IN THE

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT

TOM C. CLARK, Attorney General of the United States
and WILLIAM A. CARMICHAEL, District Director,
Immigration and Naturalization Service, United
States Department of Justice, District 16,

Appellants,

vs.

ALBERT YUICHI INOUE, MIYE MAE MURAKAMI,
TSUTAKO SUMI and MUTSU SHIMIZU,
Appellees.

TRANSCRIPT OF RECORD

Upon Appeal From the District Court of the United States
for the Southern District of California
Central Division

FILED

APR 27 1948

PAUL P. O'BRIEN,

CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italics; and likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

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In the District Court of the United States in and for the
Southern District of California
Central Division

No. 5945-W

ALBERT YUICHI INOUE, MIYE MAE MURA-
KAMI, TSUTAKO SUMI and MUTSU SHIMIZU,
Plaintiffs,

vs.

TOM C. CLARK and ALBERT DEL GUERCIO,
Defendants.

AMENDED COMPLAINT UNDER NATIONALITY ACT

Come now the plaintiffs, Albert Yuichi Inouye, Miye Mae Murakami, Tsutako Sumi and Mutsu Shimizu, and complain of the defendants as follows:

I.

Plaintiffs are citizens of the United States of America, born in the United States, and are permanent residents of the Southern District of California. They are of Japanese ancestry but are neither under the laws of Japan, nor of the United States nor have ever been natives, citizens, denizens or subjects of Japan, or of any hostile nation or government, within the terms of Title 50, United States Code, Sec. 21 or Sec. 22, further allegations of fact pertaining thereto, being set forth hereinafter.

II.

Defendant Albert Del Guercio, is and at all times mentioned herein was, the duly appointed and acting District

Director of [2] The Immigration and Naturalization Service of the United States Department of Justice for the Southern District of California and as such, is the head of said agency for said Southern District.

The defendant, Tom C. Clark is the Attorney General of the United States; and as such, he is the head of the United States Department of Justice.

III.

The plaintiffs, by virtue of their birth in the United States and their United States citizenships as aforesaid, are nationals of the United States, and the plaintiffs, claim the rights and privileges of nationals of the United States; the defendants deny that the plaintiffs are nationals of the United States and have denied the plaintiffs rights and privileges as nationals of the United States; and have announced that the plaintiffs do not possess United States nationality or citizenship.

IV.

This Court has jurisdiction herein by virtue of Title 8, United States Code, Sec. 903.

V.

In 1944 and/or 1945, the plaintiffs renounced their citizenship, but said renunciations were not of their own free and voluntary acts; but on the contrary, were the result of undue influence, mistake, misunderstanding and coercion.

VI.

The plaintiff, Albert Yuichi Inouye, formerly resided in Canoga Park, California. He is nineteen (19) years of age, born May 30, 1927 in Berros, San Luis Obispo

County, California. He attended public schools in West Los Angeles, California. On April 28, 1942, he was evacuated with his family from West Los Angeles to the Manzanar Relocation Center, California. Prior to his evacuation, he had been active in the Y. M. C. A.; the Christian Church; and in athletics in the junior high and high schools. He [3] had participated in and contributed to the Infantile Paralysis Drive, the Tuberculosis Drive and the Waste Paper Drive and had purchased War Saving Defense Stamps. While at Manzanar Relocation Center, he was active in the American Red Cross Project and the U. S. O. He went to school at the Manzanar Relocation Center.

In March, 1945, while seventeen (17) years of age, he applied for renunciation and signed the application form furnished by the Department of Justice on July 9, 1945 a few months after he had become eighteen (18) years old. He withdrew his renunciation on August 23, 1945. His withdrawal was of no avail, and on September 8, 1945, he was transferred to the Santa Fe Detention Camp, New Mexico. While there, he was accorded another hearing before a representative of the Department of Justice and after proof of his loyalty to the United States had been amply evidenced, was released in April, 1946.

Soon after his release from the Santa Fe Detention Camp as aforesaid, as further demonstration of his loyalty to the United States, he volunteered for the United States Army and was ordered to report for overseas duty to Camp Stoneman, California, on November 2, 1946. On November 15, 1946, he was ordered to the Presidio of Monterey, California, for Military Intelligence Language School where he is presently stationed.

VII.

The plaintiff, Miye Mae Murakami, presently resides in Burbank, California. She is 29 years of age, born November 18, 1917, in Mountain View, California. She attended the public schools in Menlo Park, California, and afterwards assisted her parents on their farm in Santa Clara, California. She married her present husband, a Japanese alien, on September 16, 1939, in Santa Monica, California. She was evacuated with her family from Santa Monica, California, on April 28, 1942, and sent to Manzanar Relocation Center, California. On February 26, 1944, she was transferred to Tule Lake Center under [4] the "segregation program" as a result of her husband having applied for repatriation.

Due to her extreme reluctance to renounce her citizenship, she applied for renunciation on or about the last day that that was possible, or in May, 1945. She received her notice of approval of said renunciation in January 1946. She later received a "mitigation hearing" as a result of which she was released from Tule Lake Center on March 5, 1946, going first to Hawthorne, California, then to Santa Monica, California, and presently residing in a trailer in Burbank, California.

She renounced her citizenship because of the reports and statements uttered to her that all American citizens and Japanese aliens would be segregated into different camps during the war regardless of age, marriage or family hardships. She also renounced her citizenship in the belief that this was necessary not to be separated from her husband. She further renounced her citizenship because she feared being assaulted unless she did so renounce. The fascistic strong arm tactics used by the members of the Hoshidan in the Ward at Tule Lake

Center where she lived kept the whole Ward in a constant state of hysteria, tension, fear and fright and reports of stabbings, assaults in the dark, and invasions by members of the Hoshidan even into the women's latrines compelled her, for her own safety and welfare, to renounce her citizenship.

VIII.

The Plaintiff, Tsutako Sumi presently resides in West Los Angeles, California. She is 32 years of age, born October 13, 1914 in Los Angeles, California. She is married to a Japanese alien and is the mother of three small children. She was evacuated in April, 1942, to the Manzanar Relocation Center, transferring to the Tule Lake Center under the "segregation program" on February 27, 1944, after her husband had applied for repatriation. She applied for renunciation in March, 1945, and was given a hearing [5] a few months later. She reactivated her notice of approval of said renunciation on October 8, 1945. After another hearing termed a "mitigation hearing" she was released from Tule Lake Center in February 23, 1946, and left said Center to join her husband who had left said Center earlier.

She resided in Block 75 in Tule Lake Center where the most rabid pro-Japanese elements resided. She lived in a daily atmosphere of fears, threats, apprehensions, wild distorted reports and rumors. In their attempts to force everyone in the Block and Ward to renounce their citizenship, the Hoshidan harangued her husband who was the block manager of Block 75 and hence ineligible to be a member of any organization, to have him force his wife to renounce her citizenship. Tremendous pressure was exerted upon the husband and finally after having been

the subject of ridicule, constant pressures and influences, he finally coerced and compelled his wife to renounce her citizenship against her will and desires.

IX.

The plaintiff, Mutsu Shimizu, presently resides in Burbank, California. She was born in Los Angeles, California, on July 4, 1914. She was sent to Japan by her parents at the age of six years where she remained until she was 16 years of age, and returned to the United States in 1931, after which she attended the public schools in Venice, California. She married her present husband, a Japanese alien, in 1938. She moved from Venice, California, to Hawthorne, California, from whence she moved to San Gabriel, California, and pursuant to the General Exclusion Order of Lt. Gen. John L. DeWitt, was evacuated to the Tulare Assembly Center. She, with her family, was then ordered transferred in September, 1942, to the Gila Rivers Relocation Center and in the "segregation program," was again transferred to the Tule Lake Center after her husband had applied for repatriation. She is the mother of three children, all born in the United States, and hence, American citizens. [6]

In December, 1944, she applied for renunciation, was accorded a hearing in January, 1945, and received word in October, 1945, from the Department of Justice that her renunciation had been approved. In November, 1945, she was accorded a "mitigation" hearing and upon showing of no disloyalty to the United States was ordered released. She left the Tule Lake Center on February 22, 1946, and came to Burbank, California, where she presently resides.

She renounced her citizenship because of the tremendous pressure and influence aggravated by threats and

rumors of threats, killings, stabbings imposed upon those who did not renounce and because, furthermore, she was informed that an American citizen who was married to an alien Japanese could not join or remain with their spouse unless they renounce their citizenship when such two groups were going to be separated in different camps during the War. Although her husband was an active leader of a pro-Japanese group, she never truly desired to renounce her citizenship. Her brother and relatives have all served either honorably in the United States or assisted directly in the war effort, one of her brothers having served in Korea, her other brother having taught the Japanese language to the Army at Stillwater College, Oklahoma, and her two brothers-in-law having served overseas in the armed forces.

X.

On the dates as aforesaid, the plaintiffs filled out forms of renunciation of citizenship under Title 8, United States Code, Sec. 801 (i) and the Rules and Regulations adopted by the Department of Justice, and designated as Sec. 316.1 to 316.9.

Said applications by the plaintiffs were accepted by the Attorney General as aforesaid, in the course of which the plaintiffs were denied the right of counsel and of confrontation and cross-examination of witnesses, and had neither the right nor opportunity to subpoena witnesses in their behalf. Said applications were [7] accepted by the Attorney General and/or his subordinates and agents, in reliance upon information adverse to the plaintiffs and not communicated to, or known to, the plaintiffs; and the plaintiffs were never given an opportunity to meet said adverse information.

Said acceptance of said applications, moreover, was made, based upon secret orders and/or instructions made by the Attorney General to his subordinates containing standards or so-called standards for the exercise of discretion by said subordinates and/or Attorney General, which said standards, instructions and/or orders were not communicated to the plaintiffs, and which were unavailable to the plaintiffs; nor were these orders instructions and/or standards made public in any form, nor published in the Federal Register.

XI.

Plaintiffs are citizens of the United States by virtue of the Fourteenth (XIVth) Amendment, and such citizenship may not be renounced or taken away.

XII.

Title 8, United States Code, Sec. 801 (i) on its face and as applied, is unconstitutional, because it deprives the plaintiffs of liberty without due process of law under the Fifth (Vth) Amendment and of the right to be and remain a citizen under the Fourteenth (XIVth) Amendment.

Title 8, United States Code, Sec. 801 (i) is unconstitutional in that the authority to approve renunciations may be granted, if at all, only to the judicial branch of the government.

Moreover, the renunciation procedure is unconstitutional in that it is an unlawful delegation of legislative powers to the executive branch of the government; and furthermore, said renunciation procedure is an attempt to enforce an act of Congress which is vague and indefinite as to the standards to be followed by which renunciation is to be effected. [8]

For a Second Cause of Action Plaintiffs Allege as Follows:

I.

Plaintiffs Repeat the Allegations of Paragraphs I, II, III, IV, V, X, XI, and XII of this Complaint.

II.

Prior to February, 1942, Plaintiffs had never been questioned by any police, military or investigatory authority; had never been arrested, charged with any crime or offense, or summoned or requested to appear in or to supply information to, any court, or police, military or investigatory authority; and had been at all times, and had at all times been treated, as loyal and law-abiding American citizens.

III.

Prior to February, 1942, Plaintiffs had at all times been treated by local, State, and Federal authorities as having the same status as American citizens of any other ancestry, had never been discriminated against by any governmental authority on the basis of such ancestry, and no actions had been taken by any governmental authority indicating that their ancestries could or would be causes for discriminations against them.

IV.

With the exception of Plaintiff, Mutsu Shimizu, none of the Plaintiffs had ever made trips to Japan, and none of the plaintiffs had ever made any attempt to secure Japanese citizenship, or made any attempt or shown any desire to renounce their American citizenships.

V.

By a series of orders issued by Lt. Gen John L. DeWitt from February to July, 1942, all American citizens of Japanese ancestry, including the plaintiffs, were ordered from their places of residence, effective six days after the issuance of the order; such orders were applicable to citizens of Japanese ancestry regardless [9] of their past conduct, habits, characteristics, or loyalty; such orders were based solely on ancestry and no citizens of other ancestries were similarly treated.

VI.

Citizens of Japanese ancestry, including the plaintiffs, who were ordered excluded, as alleged in Paragraph V, were ordered to report for evacuation by military authorities; they were not informed of their destination or of the possible duration of their exclusion; they were transported under armed guard to hastily-constructed places of detention; they were allowed to take with them to such places of detention only a limited number of personal possessions; they were moved under armed guard from the original places of detention to other such places without being informed, at any time, of the probable duration of their incarceration; and they suffered privations in all such places of detention.

Such citizens of Japanese ancestry were able to secure their release from detention only upon condition that they make specified reports to an agency of the government of the United States and upon condition that they remain in the constructive custody of the Government of the United States; and those who secured their release sub-

ject to these conditions were on occasion subjected to acts of violence, due to prejudice resulting in part from the Government's discriminatory measures of exclusion and detention hereinbefore described.

VII.

Each of the plaintiffs were found by the War Relocation Authority to be free of any suspicion of disloyalty. Each of the plaintiffs were detained subsequent to such finding, and their detentions subsequent to such findings were illegal.

VIII.

Subsequent to the enactment in July, 1944, of the law authorizing the Attorney General to approve renunciations of citizenships as [10] aforesaid, it was made known throughout the War Relocation Authority's detention camps by agents of the Attorney General and of the War Relocation Authority that citizens of Japanese ancestry in such camps could give up their American citizenship by filling out forms to be given to them by the Attorney General. Plaintiffs were in the War Relocation Authority's camps at the time renunciation was thus proposed.

IX.

The Government did not, by supplying sufficient information in such camp, or other means, prevent the spread in such camp, of mis-information, rumor, conjecture, and fear tending to cause American citizens of Japanese ancestry, including the plaintiffs, to renounce their American citizenships.

X.

Each of the plaintiff's statement of intent to renounce their citizenships were made while in such camps.

XI.

Each of the plaintiff's state of mind which induced them to make such statement was influenced to a substantial degree by the Government's acts of racial discrimination specified in Paragraphs VI and VII of the Second Cause of Action of this Complaint; by their treatment by the Government during their detentions; and by conditions and mis-informations in such camps, as specified in Paragraph IX, to which the Government caused them to be subject.

XII.

At the time of the proposal of renunciation in the Fall of 1944 and at the time of the purported withdrawal of plaintiffs' citizenships by the Attorney General, on each of the dates as aforementioned, there was no danger of invasion of the United States by Japan; restrictions imposed by the Government of the United States on the civilian population of the United States for the purpose of preventing espionage and sabotage were being re- [11] moved; all local, State and Federal agencies for the maintenance of law and order were functioning; and no emergency justified the withdrawal of plaintiffs' citizenships.

XIII.

The facts alleged in all of the foregoing paragraphs of the Second Cause of Action were well-known to the Attorney General at the time he purported to revoke plaintiffs' citizenships.

XIV.

The revocation of plaintiffs' citizenships, on the basis of an intention to renounce, influenced to a substantial

extent by the Government's acts and by circumstances to which each of the plaintiffs were subject by virtue of the Government's acts, as alleged in IX, X and XI of the Second Cause of Action of this Complaint, was unfair, unreasonable, and a violation of the due process clause of the Fifth Amendment to the Constitution of the United States.

XV.

No announcement or proposal with regard to renunciations of citizenship such as was made to American citizens of Japanese ancestry, as alleged in Paragraph VIII of the Second Cause of Action, was made to American citizens of non-Japanese ancestry, including those American citizens of non-Japanese ancestry who had been convicted of sedition, espionage, sabotage, or other crimes involving national security and including those American citizens of non-Japanese ancestry who had been ordered excluded by military authorities from their places of residence purportedly because of the danger that they would commit espionage and sabotage.

XVI.

The proposal of renunciation to American citizens of Japanese ancestry, including the plaintiffs, and the revocation of plaintiffs' citizenships constituted an unreasonable discrimination on the basis of race in violation of the due process clause of the Fifth Amendment to the Constitution of the United States. [12]

Wherefore, the plaintiffs, and each of them pray for the following relief:

(1) A judgment adjudging the plaintiffs' and each of their applications for renunciation, to be cancelled, null and void.

(2) A judgment that the plaintiffs, and each of them, are citizens and nationals of the United States.

(3) And the plaintiffs, and each of them, pray for such additional relief as to the Court may seem just and proper.

Dated: This 3rd day of February, 1947.

A. L. WIRIN and FRED OKRAND

By A. L. Wirin

Attorneys for Plaintiffs

ARTHUR GARFIELD HAYS

OSMOND K. FRAENKEL

NANETTE DEMBITZ

Of Counsel [13]

[Verified.]

[Affidavit of Service by Mail.]

[Endorsed]: Filed Feb. 11, 1947. Edmund L. Smith,
Clerk. [14]

In the District Court of the United States in and for the
Southern District of California

Central Division

No. 5945-W

ALBERT YUICHI INOUYE,

Plaintiff,

vs.

TOM C. CLARK and ALBERT DEL GUERCIO,

Defendants.

STIPULATION

It is hereby stipulated by and between the parties hereto, that the plaintiff herein may be permitted to file an Amended Complaint in the above-entitled action.

A. L. WIRIN

Attorney for Plaintiff

JAMES M. CARTER

U. S. Atty.

RONALD WALKER

Asst. U. S. Atty.

Attorneys for Defendants

It is so ordered.

Dated this 14 day of March, 1946.

JACOB WEINBERGER

Judge of the U. S. District Court

[Endorsed]: Filed Mar. 14, 1947. Edmund L. Smith,
Clerk. [15]

In the District Court of the United States in and for the
Southern District of California

Central Division

No. 5945-W

ALBERT YUICHI INOUE, MIYE MAE MURA-
KAMI, TSUTAKO SUMI and MUTSU SHIMIZU,
Plaintiffs,

v.

TOM C. CLARK and ALBERT DEL GUERCIO,
Defendants.

ANSWER TO AMENDED COMPLAINT

Defendants, answering the complaint in the above-captioned cause:

I.

Deny that plaintiffs are citizens of the United States; admit that plaintiffs were born in the United States and are residents of the Southern District of California; admit that plaintiffs are of Japanese ancestry; and deny all other allegations of Paragraph 1 of the said complaint.

II.

Admit all allegations of Paragraph II of the said complaint.

III.

Deny that plaintiffs are nationals of the United States, and admit all the remaining allegations of Paragraph III of the said complaint. [16]

IV.

Neither admit nor deny the conclusion of law comprising Paragraph IV of the said complaint, regarding the

question of jurisdiction as a matter to be determined by the Court.

V.

Admit that each of the plaintiffs renounced his or her citizenship in 1944 or 1945, but deny that such renunciations were involuntary or the result of undue influence, mistake, misunderstanding, and coercion, or of any of these alleged determinants of their conduct.

VI.

As to plaintiff Inouye, admit his birth, age, residence, education, evacuation, application for renunciation, the approval thereof, his subsequent mitigation hearing, release, and departure from Santa Fe, all as alleged in Paragraph VI of the said complaint. Deny the allegation that plaintiff Inouye withdrew his renunciation on August 23, 1945; admit that plaintiff Inouye attempted to withdraw his renunciation on August 23, 1945, but that said attempted withdrawal was of no avail because the Attorney General had approved the renunciation on August 7, 1945. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of loyalty to the United States and therefore deny the same.

VII.

As to plaintiff Murakami, admit her birth, age, residence, education, marriage, evacuation, application for renunciation, the approval thereof, her subsequent mitigation hearing, release, and departure from the Tule Lake Center, all as alleged in Paragraph VII of the said complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments relative to the motives for her renunciation and therefore deny the same.

VIII.

As to plaintiff Sumi, admit her birth, age, residence, marriage evacuation, application for renunciation, the approval thereof, her [17] subsequent mitigation hearing, release, and departure from the Tule Lake Center, all as alleged in Paragraph VIII of the said complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments relative to the motives for her renunciation and therefore deny the same.

IX.

As to plaintiff Shimizu, admit her birth, age, residence in the United States, residence in Japan, education, marriage, evacuation, application for renunciation, the approval thereof, her subsequent mitigation hearing, release, and departure from the Tule Lake Center, all as alleged in Paragraph IX of the said complaint. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments relative to the motives for her renunciation and therefore deny the same.

X.

Admit that all plaintiffs herein filled out forms renouncing their citizenship pursuant to Title 8, U. S. C. § 801(i), and that said renunciations were approved by the Attorney General, but deny that such approvals were based on information adverse to plaintiffs which was not known to them, and deny that there was any occasion for or denial of counsel or of confrontation and cross-examination of witnesses or the subpoenaing of witnesses. Defendants admit that the instructions by the Attorney General to the duly appointed officers who conducted the renunciation proceedings were not disclosed to plaintiffs

nor otherwise made public, and deny that there was any occasion or legal requirement for such disclosure.

XI.

Deny all allegations of Paragraph XI of the said complaint.

XII.

Deny all allegations of Paragraph XII of the said complaint.

Defendants, Answering the Allegations in the Second Cause of Action Alleged Herein: [18]

I.

Repeat the above answers to Paragraphs I, II, III, IV, V, X, XI, and XII of the complaint.

II.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of loyalty and good character in Paragraph II of the complaint herein, and therefore deny the same.

III.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of discrimination in Paragraph III of the complaint herein, and therefore deny the same.

IV.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph IV of the complaint herein, and therefore deny the same.

V.

Admit the allegations in Paragraph V of the complaint herein.

VI.

Admit the specific allegations in Paragraph VI of the complaint herein, except the averment that the alleged acts of violence were due to prejudice resulting in part from the Government's discriminatory measures of exclusion and detention; as to this averment, defendants are without knowledge or information sufficient to form a belief as to the truth thereof and therefore deny the same.

VII.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the averment of loyalty in Paragraph VII of the complaint herein, and therefore deny the same. Defendants admit that plaintiffs were detained, but deny that such detentions were illegal or that any plaintiff was detained against his or her will after a finding that he or she was free of any suspicion of disloyalty. [19]

VIII.

Admit that while plaintiffs were in the War Relocation Authority camps announcement was then made that citizens of Japanese ancestry could, upon approval of the Attorney General, renounce their United States citizenship, but deny that plaintiffs, or any of them, were in any manner encouraged to renounce by agents of the Attorney General or of the War Relocation Authority.

IX.

Upon information and belief, defendants admit the spread of misinformation, rumor, conjecture, and fear throughout the camps, as alleged, but deny that the prevention of such spread was possible, and that reasonable efforts were not made both by the War Relocation Authority and the Department of Justice to prevent such

spread when the situation came to their attention, but admit, on information and belief, that such efforts were not in all respects successful.

X.

Admit the allegations in Paragraph X of the complaint herein.

XI.

Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph XI as to the state of mind of plaintiffs, or as to the factors which induced such state of mind, and therefore deny the same. Defendants deny that the Government caused plaintiffs to be subject to any misinformation.

XII.

Neither admit nor deny the allegations in Paragraph XII of the complaint herein on the ground that they are irrelevant to any issues raised. Defendants assert that the permission to plaintiffs to renounce voluntarily was not predicated on the existence of any emergency or threatened invasion.

XIII.

Deny the allegations of Paragraph XIII of the complaint herein. [20]

XIV.

Deny the allegations of Paragraph XIV of the complaint herein.

XV.

Admit the allegations in Paragraph XV of the complaint herein and assert that the reason why no announcement or proposal with regard to renunciation of citizenship was made to American citizens of non-Japanese ancestry was that only from American citizens of Japanese

ancestry were sufficient numbers of requests to be permitted to renounce received to warrant the giving of information as to how such renunciations could be accomplished.

XVI.

Deny the allegations in Paragraph XVI of the complaint herein.

And Further Answering the complaint herein, defendants show:

First, that renunciations were approved by the Attorney General only after the following procedural steps:

1. A written application for permission to renounce signed by the prospective renunciant was required to be filed in each case.
2. The submission of a formal statement of renunciation, upon which a hearing was held by an officer specially designated by the Attorney General, prior to its approval.
3. Approval by the Attorney General based upon the report and recommendation of such hearing officer.

Second, at his hearing, each plaintiff appeared in person before the designated hearing officer in a private interview at which no other person of Japanese ancestry was present.

Third, that it was the primary purpose of the hearing given each plaintiff to make certain that he fully understood the consequences of his act and undertook them voluntarily. To this end the hearing officer in each case was instructed to and did inform him fully that citizenship once lost could not be regained, and that if he renounced and returned to Japan, he could in all probability never return to the United States.

Fourth, that each plaintiff herein individually filed a request to be premitted to renounce, having previously written to the Department of [21] Justice requesting the required forms; and that after full explanation and hearing, each plaintiff herein reiterated his desire to renounce and filled out the requisite renunciation form after opportunity to acquaint himself with the relevant facts and consequences of his act.

Fifth, that plaintiffs made no effort to withdraw their renunciations until after approval of said renunciations by the Attorney General of the United States.

Sixth, that defendants accordingly assert that, contrary to the allegations of the complaint herein, plaintiffs were not in fact coerced or led by any form of duress or mistake to renounce their citizenship, but were voluntary participants in the movement for renunciation with full knowledge of the nature and consequences of their acts.

Wherefore, defendants respectfully submit that the complaint herein should be dismissed and the relief prayed for therein be denied.

PEYTON FORD

Acting Assistant Attorney General

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants

ENOCH E. ELLISON

Attorney, Department of Justice
Of Counsel

[Endorsed]: Filed Jun. 2, 1947. Edmund L. Smith,
Clerk. [22]

[Title of District Court and Cause]

NOTICE ON HEARING FOR MOTION FOR SUMMARY JUDGMENT ON BEHALF OF DEFENDANTS

To the Defendants Herein, and to Messrs. Al Wirin and Fred Okrand, Their Attorneys:

You, and each of you, will please take notice that on Monday, July 14th, 1947, at the hour of 10:00 o'clock a. m. defendants will move the above-entitled Court for summary judgment on behalf of defendants and against plaintiffs in accordance with the written motion appended hereto.

Dated: This 29th day of May, 1947.

PEYTON FORD

Acting Assistant Attorney General

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants

ENOCH E. ELLISON

Attorney, Department of Justice
Of Counsel [23]

[Title of District Court and Cause]

MOTION FOR SUMMARY JUDGMENT ON
BEHALF OF DEFENDANTS

Come now the defendants above named and move the Court for a summary judgment in their favor and against plaintiffs.

The motion will be made upon the ground that the amended complaint fails to state a claim against defendants upon which relief can be granted and upon the further ground that the pleadings and admissions on file together with the affidavits appended hereto show that the only justiciable question presented is whether plaintiffs continue to be citizens of the United States notwithstanding their renunciation of citizenship; that as to the validity of such renunciations, there is no genuine issue as to any material fact; and that the defendants are entitled to judgment as a matter of law.

The motion will be based upon the records and files in said action, upon the affidavits of Joseph J. Shevlin, Charles M. Rothstein, Rosalie Hankey, and John L. Burling, and the memorandum of points and [24] authorities in support of said motion appended hereto.

Dated: This 29th day of May, 1947.

PEYTON FORD

Acting Assistant Attorney General

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants

ENOCH E. ELLISON

Attorney, Department of Justice

Of Counsel [25]

Chicago, Illinois, Cook County—ss.

AFFIDAVIT

Rosalie Hankey, being sworn, deposes and says as follows:

I am a graduate student of anthropology and am presently employed by the Department of Anthropology in the University of Chicago as Assistant in Anthropology. In July of 1943 I entered the employ of the Evacuation Resettlement Study of the University of California at Berkeley, California. At this time I was 31 years old.

This Study was an organization especially set up by the University of California with funds donated by the Giannini and Rockefeller Foundations to observe and record from the sociological standpoint the evacuation of persons of Japanese ancestry from the Pacific Coast ordered by Lieutenant General John L. DeWitt and the social phenomena which resulted therefrom. This Study was under the direction of Dr. Dorothy S. Thomas, a professor at the University of California. The Study employed a number of students of sociology and anthropology who acted as observers in the several assembly centers and relocation centers and also employed students of Japanese ancestry, who themselves were evacuated, to act as reporters. I was at first assigned by Dr. Thomas to the Gila Relocation Center and began my work there in July of 1943. The nature of my duties there included the recording of events and evacuee attitudes, and the preparation of reports describing and analysing the sociological phenomena. On February 1, 1944, after seven months of almost continuous residence at the Gila Center, I was directed by Dr. Thomas to visit the Tule Lake

Center in Modoc, California to make a preliminary survey of the attitudes of the segregated evacuees. Approximately three weeks before this visit, the jurisdiction of the Tule Lake Center had been returned to the War Relocation Authority by the Military. At this visit I remained at the Tule Lake Center for two days. I made two succeeding visits to the Tule Lake Center: from March 14 to March 23, 1944, and from April 12 to April 17, 1944. Between these visits I returned to the Gila Center. On May 13 of 1944 I took up permanent study in the Tule Lake Center and remained there until May 9, 1945, except for three brief trips to consult with Dr. Thomas. Therefore, I observed substantially all of the sociological developments leading up to the renunciation of citizenship and was at the Tule Lake Center during most of the renunciations themselves. [26]

During all of this time, by the techniques described below, I assembled very full field notes on the renunciation program and submitted these to the Evacuation and Resettlement Study. I also submitted voluminous reports on evacuee attitudes toward renunciation. The University of California has recently published the first volume of its studies, which volume relates specifically to those evacuees who renounced their citizenship. The book was put into final form by Dr. Dorothy S. Thomas and Richard Nishimoto, who was the Study's observer in the Colorado River Relocation Center. To the best of my knowledge and belief, insofar as it deals with events taking place at the Tule Lake Center after segregation, this book is based entirely on my field notes and the manuscripts which I submitted, except for certain information gained after the renunciation program had been completed from

talks with evacuees who were there at the time and from letters written by evacuees after the renunciation program was complete.

For the above reasons and because of the techniques employed by me, hereinafter described, it is my belief that I am qualified to speak as an expert on the social pressures obtaining within the Tule Lake Center prior to and during the renunciation program from December 1944 through May 1945.

I obtained information for my field notes in the following manner:

The accumulation of data on evacuee attitudes presented many difficulties to a person of Caucasian ancestry. The experiences of evacuation and the confining life of the Centers had intensified the pre-evacuation in-group solidarity of the Japanese residents. The WRA administration and its staff members, the visible representatives of authority, were commonly held responsible by the evacuees for the great variety of inconveniences, annoyances, and hardships of Center life. Therefore, the WRA staff, in general was regarded with considerable antipathy. The strong in-group sentiments of the Japanese and their dislike of the WRA administration were, in part, responsible for an additional phenomenon which increased the difficulties of sociological investigation. This was an extraordinarily powerful evacuee fear of being considered a stool-pigeon. This fear was coupled with a hatred of persons alleged to be stool-pigeons, i. e., traitors to their own people. Such persons were called, inu, a Japanese [27] word meaning dog or informer. Any evacuee who appeared to be on markedly friendly terms with a Caucasian staff member or was observed visiting the Ad-

ministration buildings when he had no specific business there exposed himself to being called an inu.

The inu phenomenon was a potent means of social control in all of the Centers of which I have knowledge. In Tule Lake it played a very significant part in the sociological developments which preceded the renunciation of citizenship. It was largely responsible for the fact that terrorists and persons guilty of violent assault were not denounced to the authorities. To be stigmatized as an inu brought social ostracism which in the crowded and confined life of the Centers was painful in the extreme. All meals were served in public mess-halls. An alleged inu, seating himself at a table, was greeted with an uncomfortable silence and meaningful glances. If he entered a latrine or boiler room, which were common places for gossip and discussion, he found that friendly talk or argument stopped with his appearance. Because of the lack of privacy which Center conditions imposed, he could find no escape and was reminded of his despised position many times every day. During a period of tension, he might be assaulted and severely beaten. In the Tule Lake Center at least seven men alleged to be inu were beaten. In the same Center, Mr. Hitomi, alleged to be an inu, was murdered. If, therefore, an evacuee or a segregée held opinions contrary to those which were considered the prevailing sentiment, he was strongly inclined to keep these opinions to himself or to voice them only to trusted intimates. He was also inclined to avoid the appearance of intimacy with WRA staff members.

I was able to substantially overcome the handicaps to sociological investigation outlined above in the follow-

ing manner. To my informants I stressed the fact that I was not a member of the WRA administration but a student, hired by scholars who were interested in preparing an accurate account of events within the Japanese Centers. I stated that I would not show my data to the WRA administration and would not reveal the names of my informants. These contentions were not believed until my informants had the opportunity to observe that I had little association with WRA staff members and [28] that I did not attempt to pry into those matters which evacuees were reluctant to discuss with a Caucasian. In the Gila Relocation Center I began my field work by initiating a series of innocuous investigations, e. g., how Center life was affecting the children. This and similar projects gave me the opportunity to make frequent visits to the apartments of evacuees. After this program had been continued for several months, certain informants made overtures of friendship. They then began to give me an informal education on the genuine attitudes of the residents which often differed greatly from the stereotyped attitudes generally reserved for Caucasians. I gained intimate knowledge of those matters which a member of the in-group was morally obliged not to reveal to outsiders. When certain of these friendly informants began to give me a considerable amount of their time, I offered to pay them. This offer was refused. The situation which resulted put me under an ethical obligation. I was obtaining information through friendship and I had no means of recompensing informants except by rigorously observing the taboos of the in-group, i. e., keeping my promise that I would reveal no information given to me. This process was cumulative and, in time, I was given information of an extraordinary nature. In Tule Lake

a self-avowed ardently pro-Japanese group determined to circulate one of their petitions without asking permission of the WRA administration. They feared that they would be denied permission, since a few weeks before, the WRA had emphatically informed them that it did not intend to embark on the program they sponsored. One of the most influential leaders of the group sponsoring the petition, allowed me to read it several days before it was circulated and described the pressure his group intended to apply to residents who did not wish to sign. In Tule Lake evacuee informants also gave me the name of the man who was alleged to control a gang of terrorists. This gang, I was told, had committed a series of assaults upon the so-called inu (stood-pigeon). These informants did not give this information to the WRA administration or, so far as I know, to the police. Moreover, a Japanese informant who was severely beaten, assured me that the aforementioned gang of terrorists was responsible for the assault. Previously, he had refused to name his [29] assailants to the WRA Internal Security. I did not reveal this, and much other information of similar character, to the authorities. Because of this policy I was able to obtain data which, I believe, far exceeds in accuracy and reliability the information gained by most Caucasians who were in contact with the Japanese in the Centers.

I was, moreover, able to develop excellent rapport with certain leaders of the pro-Japanese pressure groups. The parent pressure group I shall call the Resegregation Group. It was also known at various times as the Saikakuri Seigan and the Sokuji Kikoku Hoshi-dan. Membership in this group was by families. To the best of my

knowledge, adult aliens and citizens and also minor children were considered members. In August of 1944 this body sponsored an auxiliary body for young men. This auxiliary body I shall call the Young Men's Fatherland Group. It was also called at various times the Sokoku Kenkyu Seinen-dan and the Hokoku Seinen-dan. Most of the members of this auxiliary body were to the best of my knowledge citizens of the United States. From May of 1944 until his internment in December of 1944 I was a regular visitor at the apartment of the man who, in my opinion, was the most influential leader of the Resegregation Group. He was also one of the two advisors to the Young Men's Fatherland Group and was an Issei. From July of 1944 until his internment in December of 1944 I frequently visited the other advisor to the Young Men's Fatherland Group who was a Nisei about 45 years old. This man was also alleged to be the leader of a gang of terrorists who assaulted persons who criticized either of the groups. I was also very well acquainted with and frequently visited four additional influential leaders of those groups. I was casually acquainted with others.

In this document it will be cumbersome to state specifically whether an informant was a member of one or the other group. The organizations were most intimately related and many or most of the members of the Young Men's Fatherland Group were members of the Resegregationist Group. On the other hand, older men, almost all of whom were Issei, advised the Young Men's Fatherland Group and, in my opinion, formed most of the policies of this youths' organization.

In addition I also developed good rapport with the chairman and other members of the body which was re-

sponsible for the much publicized demonstration of November 1, 1943. Many of these men later became very hostile to the aforementioned Resegregation Group. [30]

In addition to the persons described above I consulted a large number of other informants, some of whom were hostile to the Resegregation Group, some of whom disapproved of the group, and some of whom attempted to remain neutral. Some of these informants were nominal members of the Resegregation Group and some were not. Among my informants were Issei, Nisei and Kibei. I was, in fact, the only Caucasian who, in substance, made daily visits to the apartments of the Japanese residents of Tule Lake Center. I was also one of the very few who regularly entered the Center on foot and without an escort.

Maintaining contact with my informants in the face of the prevailing evacuee fear of being thought an inu required much tact and patience. I carefully arranged my visits so that I would not be observed by neighbors. I paid many visits during inclement weather when most of the residents remained indoors. The frequent severe dust storms, the bitter winter winds, and the thaws which rendered parts of the Center nearly impassable to a person not wearing heavy boots, provided ample opportunity for such visits. During periods of extreme community tension and fear, such as that which followed the murder of Mr. Hitomi, I corresponded with informants. In fact, after this murder one of my informants warned me to stay out of the center because the alleged gang leader had boasted that he intended to kill a Caucasian, and I, who entered the remote parts of the Center without escort, was particularly vulnerable. In my opinion, the fact that

Tule Lake was a large community and that, except for the Resegregation Group it was socially disorganized to the extent that residents were inclined to confine their social activities to the blocks in or near which they lived, gave me a distinct advantage. Informants, in general, had little opportunity to discover who my other contacts were. I revealed no names. If, therefore, I visited an ardent member of the Resegregation Group and appeared to sympathize with his views, [31] he had little opportunity to discover that when I visited an individual who was hostile to the group, I gave the contrary impression. This was particularly important in regard to my contacts with the Resegregation Group leaders. Had my ordinary informants realized that I was on good terms with these powerful individuals, I would have gained little reliable data on how ordinary folk viewed the activities of the Resegregationists.

The greater part of my field notes were taken down in approximately verbatim form. When the statements of evacuees appear in this document, they are reproduced, substantially without editing.

I intend to describe these sociological phenomena which I observed in the Tule Lake Center which bear on the renunciation of citizenship. Insofar as my data indicate, I shall state my opinions in regard to the motivations which led the citizen residents of Tule Lake to commit this act. Since I am of the opinion that the activities of the aforementioned Resegregation Group had an important bearing on the renunciation of citizenship, I shall present the history of the development of this group in considerable detail. This, in turn, will require a brief explanation of the sociological developments in the Tule

Lake Center which preceded the formal organization of the Resegregation Group.

I was residing in the Gila Relocation Center when the policy of segregation was announced to the evacuees in the summer of 1943. What data I obtained in the Gila Center in no way contradicts the discussion of segregation presented by Dr. Thomas and R. Nishimoto in The Spoilage (pp. 84-112) or the analysis presented by the WRA Community Analyst, Dr. Morris Opler, in WRA Community Analysis, "Studies of Segregants at Manzanar." These authorities in substance hold that the reasons evacuees decided to become segregants and thereby assume the status of individuals disloyal to the United States were: fear of being forced to leave the Centers and face a hostile American public; concern for the security of their families; fear on the part of evacuee parents that their sons would be drafted if they did not become segregees; anger and disillusionment owing to the abrogation of their citizenship rights; bitterness over economic losses brought about by the evacuation. I was also told by a [32] Japanese informant that some Issei believed that Japan was going to win the war and that they would eventually reap benefits if they went to Tule Lake.

Most of the segregees entered the Tule Lake Center in September and October of 1943. They were at this time far from homogeneous in status (loyal or disloyal) and in sentiment toward the United States. In the segregation movement children who held status as loyal citizens of the United States were allowed to accompany segregee parents. Parents who held status as aliens loyal to the United States were allowed to accompany segregee children. Moreover, over 1,000 pre-segregation residents of

Tule Lake ineligible for segregation refused to leave that Center and were allowed to remain there. Therefore, at one extreme of the population were individuals who, when I made their acquaintance in Tule Lake, voiced sentiments which were decidedly pro-Japanese. At the other extreme, in my opinion, was a significant proportion of the population which had no intention of going to Japan and felt no sentiments resembling loyalty to Japan whatever. Between these two extremes was the bulk of the population—the fence-sitters. Such persons, when I made their acquaintance, told me that they had come to or remained in Tule Lake to make up their minds. In my opinion, they did not look upon segregation as a final step committing them to inevitable expatriation or repatriation. Informants belonging to this group repeatedly made statements to me which may be paraphrased as follows: "All I want is that they let me stay here in peace until the end of the war." It is my opinion that those persons regarded Tule Lake as a refuge where they might remain in relative safety from the economic hardships and physical danger which they feared would be their lot if they attempted immediately to re-establish themselves in the United States.

It should be stressed that the groups described above were not static. Individuals and groups vacillated constantly as they were swayed by events, news, and rumors. A resented administrative policy or a newspaper report of an assault upon Japanese residing outside of the Centers would, for a period of time, increase the number of evacuees who believed that the United States held no future for them. This vacillation was one of the more

salient social phenomena of Center life. Many of the phenomena hereinafter [33] described cannot be evaluated properly unless it is kept in mind. Prolonged insecurity and indecision may unbalance even individuals who possess great mental stability. In view of the fact that the substantial majority of the residents of Tule Lake had been in a state of indecision for almost four years, it is not surprising that they believed fantastic rumors, that they frequently did not think or act logically, that they were prone to take what appeared the immediate path to safety, and that they were predisposed to fall into mass anxiety which on several occasions rose to panic.

I did not visit the Tule Lake Center until February 1, of 1944. Consequently, I was not residing there when the events I shall outline briefly below took place. My statements are based on a great deal of data acquired after my arrival and on WRA documents.

It is my opinion that the demonstration of November 1, 1943 resulted substantially from a widespread evacuee sentiment that the living facilities in Tule Lake stood in great need of improvement. The listing of these alleged grievances would require many pages. On October 15, 1943, a truck transporting Japanese workers to the project farm turned over. Some 30 men were injured, several severely. One died within a few days. The Japanese farm workers refused to return to work. The residents, under the guidance of leaders who had attained some prestige in the Relocation Centers from which they had come, selected a Representative Body. This body determined to use the farm work stoppage as a means of obtaining a mitigation of the grievances referred to above. I am of the [34] opinion that at this time the Japanese

Representative Body had strong support from the general residents.

On October 26, 1943, certain members of this Representative Body approached the Project Director, stating that the farmers were resolved to continue their work stoppage until the administration gave assurance that the complaints of the residents would receive attention. At this time, only the farmers had stopped work. The Project Director promised to do what he could to relieve the situation. However, without acquainting the Representative Body or the residents with his intention, the Project Director brought in non-segreguee Japanese from the Relocation Centers to harvest the crop. This action on the part of the Project Director deprived the residents of their only important bargaining point: the fact that the valuable potato crop would spoil with great loss if not harvested immediately. Moreover, it is my opinion that this action was viewed by the segreguees as a breach of trust on the part of the Administration. I believe that it greatly increased segreguee hostility against the WRA administration.

On November 1, 1943, Mr. Dillon Myer, National Director of the WRA, visited the Tule Lake Center. Seizing this opportunity to appeal directly to him, the leaders of the Representative Body engineered a mass demonstration during which a crowd of segreguees, variously estimated at from 5,000 to 10,000 surrounded the administrative building. According to WRA documents the behavior of this crowd was most orderly. However, a group of young Japanese entered the hospital. They attacked and severely beat the Caucasian Chief Medical Officer, who, in my opinion, was extremely unpopular with

the Japanese residents. It is my opinion that these assailants had no connection with the leaders of the Japanese Representative Body. When order had been restored, the leaders of the Representative Body again presented the list of the residents' grievances. Mr. Myer promised to investigate the complaints and take action if they were justified. He made such a statement to the crowd which then dispersed quietly.

On the night of November 4, 1943, a fight broke out between a group of young Japanese men and a few Caucasians. Later, a Japanese informant told me that he had been the leader of this group of Japanese. He stated [35] that this group had taken it upon themselves to watch the project warehouses at night in order to prevent the WRA administration from transporting food to the harvesters from the Relocation Centers. It is my opinion that this informant in this regard was telling the truth. While this fight was taking place, the Project Director requested the assistance of the Military Police. The Military assumed control of the Center. On the night of November 4 the Military arrested 18 young men found in the administration area, released 9 of them and confined the remainder.

Many informants told me later that on the night of November 4 they were not aware of the fact that the Military had assumed control of the Center, and that they set out for work the next morning as usual. This statement is credible for the evacuee residence section was at a considerable distance from the administrative section. In any case, a large number of evacuees approached the administrative section on November 5 at the beginning of the working day. They were probably joined by the

relatives of the Japanese hospital staff, which had not been allowed to return to the Japanese section by the Military. These persons were met by a cordon of soldiers and told to return to their barracks. When these orders were not obeyed, the soldiers released tear gas into the crowd. Ten months later, informants still spoke of this event with great bitterness, holding that it was not just to throw tear gas at them when they were attempting to go to work.

The construction of a "man-proof" fence, separating the administrative buildings from the Japanese residence section was now begun. All Japanese work in the administrative section was temporarily suspended, since all residents were confined to the Japanese section. Within a few days the Japanese hospital staff and reduced garbage and coal crews resumed work as a result of a conference between the Military and members of the Japanese Representative Body. The Military, I was told, decided to cut the garbage and coal crews to one-third of their former size. This created difficulties for the Japanese Representative Body, which was caught between the stand of the Military and the attitude of the Japanese residents who did not understand why some persons were allowed to return to work while others [36] were not. Both parties then agreed to hold a mass meeting at which the Lieutenant Colonel and members of the Japanese Representative Body would speak, each explaining the situation to the residents. When this matter was put before a session of the Representative Body a factional dispute arose, certain members holding that the Military was not allowing the Japanese sufficient time to speak. Despite strong opposition from the chairman of the Representative

Body the anti-mass meeting faction swayed the body into voting not to attend the mass meeting. Messages to this effect were thereupon sent to each block and read in the mess-halls. The Military was not informed of this decision. At the appointed time, the Lieutenant Colonel and the regional director of the WRA entered the camp with a strong military escort and took their places on the outdoor stage. No Japanese came to hear them. They delivered their speeches, nonetheless.

On the same day, November 13, the Military declared martial law to be in effect. The Military also began to arrest the leaders of the Representative Body, some of whom went into hiding but gave themselves up voluntarily on December 1, 1943. Other men, suspected of being leaders, were arrested. A stockade was built to house these detainees.

After the declaration of martial law and the arrest of these leaders the residents entered upon a partial strike. In substance, they refused to return to work until the apprehended men were released. Doctors, nurses, mess workers, block managers, and the coal and garbage crews continued to work. The Military continued to make arrests and by mid-December of 1943 over 200 persons were confined in the stockade.

For over two months the residents maintained their partial strike. However, as the weeks passed, the monotony of a life without employment or recreation, the strike curfew, and the hardships imposed by the loss of the monthly pay check and clothing allowance markedly decreased the enthusiasm of the early period of the strike. In mid-December of 1943 a new group of Japanese leaders arose and with strong assistance from the WRA

administration attempted to influence the residents to abandon the partial strike. In mid-January of 1944 a ballot was arranged and the [37] residents voted to stop the strike by a plurality of 473 out of 8,713 votes cast. The WRA resumed control of the Center, using the new group of leaders, the Co-ordinating Committee, as a liaison body between the administration and the residents. Jobs were quickly filled and evacuees were now allowed to enter the administrative area with a pass, submitted to the sentry at the gate.

Twenty days after the referendum vote had been cast I made my first visit to the Tule Lake Center. It is my opinion that at this time even conservative residents deeply resented the past policies of the WRA administration and that they disliked and distrusted the administrative sponsored Co-ordinating Committee. Many persons claimed that the members of the Co-ordinating Committee were not their elected representatives (as, indeed, they were not). Some informants called certain of the acts of the former Representative Body silly, foolish, and radical, but stoutly maintained that this body had been and still was the legitimate representative body of the people.

In March of 1944, during my second visit to Tule Lake, I became aware of the existence of an underground pressure group. This group spread propaganda and distributed pamphlets which were designed to discredit the Co-ordinating Committee. This group also agitated to obtain the release of the men detained in the stockade. Some of the members, to my certain knowledge, had relatives who were detained and who were alleged to have been beaten by the WRA Internal Security on November

4, 1943. It is my opinion that during February and March of 1944 this underground group was not regarded with respect by most of the residents. My informants usually spoke of the group with derogation, calling the members agitators and radicals. In the spring of 1944 this underground group was considerably strengthened by the arrival of certain parolees from Santa Fe, the Department of Justice internment camp. Some of these parolees, I was informed, had contributed to anti-administrative disturbances in Relocation Centers before their internment and in my opinion they were agitators of experience and prestige. In addition the underground group established a connection with a man who, I was informed, was a powerful gang leader from the Manzanar Center. This man, [38] I was told, had led a pre-evacuation gang on Terminal Island, California and was also credited with having instigated much of the violence which occurred in the Manzanar Center in December of 1942. I was personally acquainted with this alleged gang leader and in my opinion he was very clever. He was, in any case, never called to task for these alleged activities by the authorities.

It is my opinion that these experienced agitators took control of the up to this time rather inept underground group which continued to circulate propaganda against the Co-ordinating Committee and against the WRA administration. I believe and have data which indicate that they spread rumors to the effect that the members of the Co-ordinating Committee were inu (stool-pigeons), that they were not "true Japanese", and that they had betrayed the people to the WRA administration. They added to the constant stream of rumors that the members and sup-

porters of the Co-ordinating Committee were being paid large sums of money by the WRA administration and that they were making large profits in graft at the expense of the residents and with the connivance of the administration. The officers of the Center's Co-operative Enterprise, who had substantially supported the Co-ordinating Committee's political coup were particularly singled out as inu and grafters par excellence.

The Co-ordinating Committee countered with propaganda to the effect that the activities of the underground group were "un-Japanese" and that "true Japanese" were persons who behaved in an orderly manner and did not bring hardship and misery upon their fellow residents.

The propaganda of the underground group was by far the more effective. Many of the residents were disgruntled and bored. Probably one-third of the employable residents were not given work, since the Center was so crowded that jobs were not available. The residents, in short, were predisposed to repeat, and to some extent believe, almost any rumor about the inu. Many, however, continued to voice disapproval of the underground agitators.

In April of 1944 the underground group emerged and adopted the name, Saikakuri Seigan (literal translation is "Appeal for Resegregation"). This body will hereafter be called the Resegregation Group. The leaders sent a [39] letter signed by an unimportant member of the organization to Attorney General Biddle, requesting permission to circulate a petition for the signatures of those residents who desired early return to Japan and who, meanwhile, wished to be separated, in Tule Lake, from those not so inclined. This letter was channeled to the

WRA administration at Tule Lake and permission was given to circulate the petition providing "that the survey will be made without commitment on the part of the administration." I made my third visit to the Tule Lake Center several days after this petition was presented to the people and found the residents in great confusion. Rumors had spread that those persons who did not sign the petition would not be allowed to expatriate or repatriate. The WRA administration had issued a statement that it had no intention of carrying out a resegregation and that no petition had been authorized. Almost all of my informants expressed disapproval of the petition. They stated that they saw no point in separating the residents of Tule Lake on the narrow basis of whether they were willing to return to Japan on the next exchange boat. By refusing to sign the petition, however, they exposed themselves to the epithet of "fence-sitter." Almost every informant stated forcefully that the fence-sitters ought to get out of Tule Lake but no one admitted that he might be a fence-sitter. The Resegregation Group obtained some 6,500 signatures of citizens and aliens, a figure which includes the dependents and minor children of the signers. In absentia signatures were also accepted. The relatives of men confined in the stockade signed for them. Persons who had signed the petition were thereafter considered members of the Resegregation Group. Many signers were citizens of the United States, although the leadership clique, the policy makers, was almost entirely composed of aliens.

The wife of a leader of the Resegregation Group, made the following statement to me in an interview which took place on April 13, 1944. "We're going to stick to Japan.

We cannot raise our children overnight to become Japanese subjects." I asked her how the Resegregation Group proposed to distinguish between these residents who sincerely desired to return to Japan and those who did not. She said, "Those guys who won't [40] say 'Yes' to the petition are the guys who are going to stay here (in the United States)." I then asked her what was to be the fate of the thousands of people who had not signed. She replied, "Those other people—they didn't stick up for us in the crisis. It's not our business to worry about them."

In addition to stirring up a great deal of excitement and confusion, the petition put the harassed Co-ordinating Committee out of existence. The members of this body resigned, telling me that they bitterly resented the fact that the WRA administration, without consulting them, had recognized their political opponents to the extent of allowing the circulation of the petition. From this period (late April, 1944) until the end of my stay in the Center (May, 1945) the Japanese residents of Tule Lake had no formal representative body which might present community problems to the WRA administration. The WRA made an attempt to sponsor such a body. The Resegregation Group vigorously opposed this attempt. Many informants held that a person who accepted a position on this proposed representative body would be called an inu.

The leaders of the Resegregation Group, in my opinion, now turned their energies to activities calculated to keep the Center in a state of turmoil. They told me frequently that thereby that would prove to the WRA authorities in Washington that trouble would not stop until a resegregation took place. The leaders continued to spread propaganda against the now ex-members of the Co-ordinating

Committee and other so-called inu, who were usually individuals who counselled a modicum of co-operation with the administration and/or criticized the policies of the Resegregation Group. For instance, a leader of the Resegregation Group told me that Mr. Hitomi, the general manager of the Co-Operative Enterprise, had attempted to bribe the alleged gang leader and Resegregationist with a large sum of money to influence the recently arrived segregees from the Manzanar Center to join the Tule Lake Co-op. This and similar stories were widely circulated. In this regard it is significant that much later the Project Attorney, Mr. Noyes, told me that an officer of the Co-op had made an affidavit to the WRA Internal Security that this alleged gang leader repeatedly threatened the officers of the Co-op. This affidavit was [41] submitted just prior to the relocation of the affiant.

A series of assaults added to the mounting tension. Certain men, some of whom, in my opinion, had openly criticized the activities of the Resegregation Group were attacked at night and severely beaten. Mr. Hitomi's brother was beaten and is said to have suffered a fractured skull. The wife of a leader of the Resegregation Group bitterly criticized before me a certain man who was openly protesting against the Japanese drills in which children were urged to participate. Shortly thereafter, this man was beaten. Several of the beatings, I was told by informants, were engineered by the alleged gang leader. Each beating was followed by rumors that the victim had been an inu (stool-pigeon). None of the assailants were apprehended by the police. On the morning of July 3, 1944, Mr. Hitomi, the General Manager of the Co-op and an alleged inu, who had been the object of particularly

vicious gossip, some of which, in my opinion, was spread by leaders of the Resegregation Group was found before the apartment of a relative with his throat cut. I was told that the remaining members of the Co-op's Board of Directors received an anonymous communication to the effect that they would be next. The Japanese members of this board resigned in a body. About 15 of the most notorious inu, including the evacuee chief of police, fled from the Japanese section with their families and were given temporary quarters on the administrative side of the fence. Shortly thereafter, the Japanese members of the Internal Security resigned. (Later, after considerable difficulty, wardens were recruited with the understanding that they were expected only to keep order in their own blocks.) The residents of the Center were so frightened that I was unable to pay visits for several weeks. Several informants requested that I never call on them again.

The WRA Internal Security attempted to apprehend these assailants. They could accomplish little, however, against the tremendous fear of being stigmatized as an inu.

From this point forward many of my informants began emphatically to express dissatisfaction over the lawlessness and, as some termed it, the gangsterism and hoodlumism which prevailed in the Center. Repeatedly, they voiced the desire that they might get some peace and order. No one, however, dared to state that someone ought to inform to the administration. The following statements are typical:

July 24, 1944: an Issei:

"In this camp no really able man will show his face because so many narrow minded fanatics are in camp. . . . Even your safety cannot be guaranteed. . . . These agitators think that by making trouble here they are doing good for Japan. That's extremely wrong."

On July 19, a Kibei girl, a teacher in one of the Japanese language schools, made the following statement:

"My students are asking me, 'Sensei (teacher)', they say, 'What would you think if I got leave clearance and got out of here?' . . . They say: 'Gee whiz, what's going to happen to us?'"

On July 13, 1944 the project newspaper, the Newell Star, published a statement explaining that the Congress of the United States had passed a law which provided that a citizen of the United States might make a formal written renunciation of nationality. No informant commented upon this statement in the month that followed.

On August, however, the Resegregation Group leaders organized a young men's group ostensibly devoted to the study of Japanese history and culture (the Sokoku Kenkyu Seinen-dan, hereafter called the Young Men's Fatherland Group). Among the formal aims of this young men's group, which, to my knowledge, were not at this time publicized among the general residents was the following statement:

"Since the outbreak of war between Japan and America, citizens of Japanese ancestry have moved along two separate paths; (1) for the defense of their civil rights on legal principles, and (2) for the renunciation of their citizenship on moral principles."

Two prominent leaders of the Resegregation Group were the advisors to the Young Men's Fatherland Group, but this fact was at first carefully concealed from the WRA administration and, so far as I was able to determine, from the general residents. In fact, to the best of my knowledge and belief, until September 24, 1944, the connection of this group with the Resegregation Group was very carefully concealed from both the Administration and the residents. The first meeting of this organization was held in the high school auditorium with the permission of the WRA. Some of my informants stated that they believed the contention that this organization had no political aims and joined it. In my opinion, they were telling the truth, [43] for in November of 1944, they attempted to withdraw. A few expressed suspicion of the leaders. Within a few weeks, the organization claimed some 600 members, most of whom were citizens.

This organization obtained office space from the WRA. Frequent meetings were scheduled for its members. As the weeks passed, the speeches delivered at these meetings took on an increasingly Japanese nationalistic tone. Outdoor exercises which took place before dawn were made compulsory for members. Gradually these exercises became more militaristic. Week by week additional militaristic features were added. Bugles were purchased. By late November of 1944 members were wearing uniforms consisting of a sweat shirt bearing the emblem of the rising sun even when they entered the administrative area. They were also required to shave their heads in imitation of Japanese soldiers.

On October 30, the Issei advisor to this organization explained its aims to me:

"If we were training in open daylight, it will not impress the people much. . . . But by getting up early in the morning, by exercise and training after worshipping and praying for victory and eternal life for our soldiers, these young people can be deeply impressed."

On August 30, the WRA administration called certain of the leaders of the Resegregation Group into conference and gave them a letter written by Mr. Dillon Myer which was dated July 7. This letter denied any administrative intention of a resegregation. The leaders of the Resegregation Group did not announce this administrative denial to the members of their group. Instead, without the knowledge of the administration, they mimeographed Mr. Myer's letter and distributed it widely, mistranslating the last paragraph as follows:

"However, I am sure that all problems in the Tule Lake segregation center that need attention and improvement will be studied and remedied in consultation with the representatives of the Resegregation Group. . . . Needless to say, I am sure Director Best will be glad to discuss frankly with you the question of resegregation about which your representatives have communicated."

It is my opinion that by mid-August of 1944, the leaders of the Resegregation Group, whose plans for a resegregation were not going very well, were [44] giving the political potentialities of the renunciation of citizenship much thought. These leaders frequently brought the topic up in conversation with me. The following statements are typical.

On August 28, the wife of a leader stated:

"We figure that something will have to be done (by the Administration) in September. That's when the denunciation (note mis-spelling) will come through. If we stay here as we are another trouble (uprising) is going to come up. . . . We've been tolerant enough about the school (American school) here."

On September 7, the Issei's advisor to the Young Men's Fatherland Group speaking of the proposed renunciation, stated to me:

"We don't know how far this will go. But certainly those who wish for immediate repatriation to Japan and at the same time don't wish to be inducted into service or relocate wish to renounce their citizenship."

Despite the fact that the leaders of the Resegregation Group had on August 30 been told by the WRA administration that there was to be no resegregation, they, on September 24, 1944, brought forth another resegregation petition. This petition was accompanied by an explanatory pamphlet in Japanese with an English translation appended. A part of this pamphlet stated:

"Whereas, we realize the uselessness of our American Citizenship, and so as soon as and in the event a law of renunciation for citizenship become effective, we gladly renounce our citizenships. Therefore, we make clearly our positions by being a real Japanese. Furthermore, we be classified clearly as an enemy alien and thereby be treated in accordance with the Geneva Conventions."

I called on one of the most influential leaders of the Resegregation Group, on September 21, three days before the petition was circulated. He showed me the pamphlet

and made the following statement, which I recorded verbatim:

"You know the people behind this have been working underground for a long time. Anyone who would have come out openly would have been put in the stockade. We have been working on this since April, awaiting the moment, but we had to keep it secret. Now the time has come. [45]

"If the Administration recognizes this movement, we will have a good mutual understanding. Besides, Mr. Myer sent us a letter and recognized this movement.

"Those who refuse to sign this will have people asking them, 'Are you loyal to Japan or not? If you are not loyal to Japan, why don't you go out?' The people will have to realize this—as long as their appearance is Japanese they will have to sign this. If they don't sign they will be known as not loyal to Japan and will be told in public, 'You are not Japanese. Why don't you go out?'

"Of course, many people who don't want to go back to Japan will sign this, but then they will go in a corner and keep quiet."

On September 27, the WRA administration issued a statement that the petition was unauthorized. My data indicate that the Resegregationist leaders continued their efforts to get signatures. On September 30 a married couple, both influential leaders of the Resegregation Group, exhibited anger over the denial of authorization. The husband asked me, rhetorically, "How can you get authority for a petition like this?" He added that the next time his group "put out something" they were going to take the paper to the block manager beforehand "and he better not say anything". His wife then told me that the

Resegregation Group had received a letter from Mr. Ennis of the Department of Justice, advising them to hold on, that everything was going smoothly and that they would be notified when the renunciation of citizenship forms were ready. Concerning the plans of the Resegregationists, she remarked: "We are going ahead even if the people squawk."

As soon as the petition began to be circulated I attempted to determine how it was being received by the residents. No informant who was not an enthusiastic member of the Resegregation Group spoke in favor of it. I am emphatically of the opinion that the substantial majority of the residents disapproved of the petition and resented the social pressure applied by its circulators. I shall not list all of the derogatory statements made; those that follow will suffice.

On September 26 an Issei informant stated that he disapproved of the petition. He added: "I asked one man, 'Why did you sign the paper?' He said, 'So-and-so said so-and-so and I signed it.' They (persons who behave in this manner) don't have any judgment." [46]

On September 28 an older Nisei informant stated:

"One point I really oppose—they threaten to use force. . . . Many people are wondering whether they should sign or not. They're afraid. Many are being led into it.

"Another thing, I've heard that (the nominal leader of the Young Men's Fatherland Group) stated that they had a number of killers (in his group). Why does he say that?"

On October 2 a male Kibei informant who lived in a block where many members of the Resegregation Group also resided, stated:

"I say, 'Leave me alone and I'll leave you alone!' If I feel like it, I'll sign. I haven't signed yet.

"I'm Japanese no matter what they say! Even if we sign or don't sign it won't do any harm."

On October 12, the same informant stated:

"I don't like the way the Sokoku Kenkyu (Young Men's Fatherland Group) threatens people. They say, 'If you don't sign you're going to be drafted.' So a lot of dumb people signed. . . .

"But I think those who signed were wise. I'm too stubborn to sign and that makes me enemies. It's better to be like the proverb: Nagai mono niwa nakeroro; okii mono niwa momareyo—let the long snake wind around you; let the big snake swallow you.

"If I were Project Director I would segregate them. I'd give each person a pink paper and a white paper and an envelope. Then those who want to be segregated could sign the pink paper and those who didn't could sign the white one. Then they could mail it to the WRA and nobody see it. Then I'd like to see how many would sign!"

At this time I was surprised at the almost unanimous disapproval which informants who were not leaders of the Resegregation Group voiced concerning the petition. I was not surprised that they disapproved but that they expressed their sentiments so frankly, for I am of the opinion that the leaders of the Resegregation Group were feared. I also suspected that some of the persons who spoke derogatorily of the petition before me were signing

it nonetheless, for it was painful to be told in public: "You are not Japanese." Moreover, a rumor was widespread in the Center that the Department of Justice was [47] going to take over the Tule Lake Center soon and that when this occurred those persons who had not signed the petition would be forced to leave. Besides, the WRA administration had denied the petition authorization. As several informants stated: "To sign it won't do any harm." It is, therefore, my considered opinion that at this period (September and October 1944) a very substantial proportion of the residents disapproved of the activities of the Resegregation Group, and that they were irked by the demand that they commit themselves to an early return to Japan. Many, however, signed the petition to be on the safe side whatever transpired. Without doubt, however, there were a number of individuals who signed the petition through the desire for an early return to Japan.

In my subsequent visits to the leaders of the Resegregation Group, I was impressed by the fact that though they boasted of the number of signatures they were getting (10,000) they were not pleased by the reception the petition was getting from the people. Moreover, it is my opinion that certain residents were beginning to take steps toward an organized resistance. One of my informants, an elderly Issei, told me that he advised persons who consulted him not to sign the petition. He also told me that he had made a speech before a group of Nisei telling them that nothing would be gained by making trouble and that agitation only brought suffering upon the women and children in camp.

"I said that this camp is no place for young men to make trouble. They should study. I said, 'Young men, behave yourselves.'"

During an interview which took place on October 10, 1944, this informant denounced the Resegregationists leaders to me, stating that they were misleading the youth of the Center. He stated: "I say the Japanese government is not so narrow minded as you."

I was concerned for the safety of this informant who, in my opinion, was showing unusual courage in speaking publicly against the Resegregation Group. I warned him that one had to be careful what one said in camp, for there were dangerous men about. He laughed and called the Resegregationist leaders cowards. Five days later, while he was returning from an evening meeting of his church in the company of two elderly Issei friends, he and his friends were attacked by a group of assailants and beaten severely. When he recovered, he told me: [48]

"The three of us were coming home from a religious meeting at block 52. I heard noisy footsteps. One of my friends was at my side, the other was 15 feet ahead. The first man who was attacked yelled. I turned around and saw that big stick. I can still see the club like a frozen picture, but I didn't see anything after that."

This informant also voiced the opinion that his speech before the Nisei had been reported to the Resegregationist headquarters and told me that the attack upon him had been instigated by one of the advisors of the Young Men's Fatherland Group, the alleged gang leader. He added that the attack had been led by an Issei who was known to be the so-called gang leader's right hand man. I was given this information after making a promise of strict confi-

dence. My informant feared that if he testified against his assailants, the gang would attack his children.

At this time the rumor that another man named Tambara had been threatened spread widely through the Center. The wife of the Issei advisor to the Young Men's Fatherland Group told me: "They wrote him, 'Would you like to be another Hitomi?'" (Hitomi was the man murdered on July 3, 1944.)

On October 21 the alleged gang leader addressed the members of the Young Men's Fatherland Group. At this meeting several informants told me that he incited the young men to violence and promised to take care of them if they got into trouble. Several informants stated with disapproval that he had quoted a Japanese proverb, which like many proverbs, is flexible in interpretation. It may, however, be translated to mean: "To help the cause, we must kill those who stand in its way." Most informants translated it: "The little guys must die so that the big guys may live." They left no doubt in my mind, however, that they believed that the so-called gang leader was threatening persons who opposed the policies of the Resegregation Group with violence.

I called on this alleged gang leader several times during this period and we had lengthy conversations. During my visits his outer office (he was a block manager) was occupied by several muscular young men. While conversing with him I was obliged to sit so that I faced a large Japanese flag. On October 23 he told me that during a recent altercation he had had with the Project Director a group of "70 or 80 boys" had surrounded the block manager's headquarters and "demonstrated their offensive spirit." [49]

On October 30 the aforementioned right hand man of the alleged gang leader knifed a young Nisei. I was told by several informants that the father of the victim had been a Resegregationist, had "found out how rotten they were" and had publicly criticized the alleged gang leader. The Project Attorney, Mr. Noyes, told me that the victim gave less and less incriminating evidence every time he testified in the hearings held by the WRA Internal Security. The Issei advisor to the Young Men's Fatherland Group accompanied the defendant to his hearings and his trial before the Modoc County authorities and vouched for him. The defendant was given a sentence of 90 days. Later, informants reported that the alleged gang leader and the Issei advisor were boasting that this light sentence was evidence that they could protect their own.

During this period one of my most reliable informants, a Nisei and a veteran of World War I, told me that he had been repeatedly threatened with physical violence because he openly criticized the Resegregation Group and the alleged gang leader. I was on excellent terms with this informant and interviewed him frequently for over a year. In all of this time, he, to the best of my knowledge, never misinformed me deliberately. I believe, therefore, that from mid-October until the end of November 1944, this informant lived in expectation of a violent physical assault from the Resegregationists. He showed me a black-jack which he carried whenever he left his apartment at night. After the beating of my Issei informant and the knifing, this informant stated that he thought matters had gone far enough. He thereupon sent written denunciation of the alleged gang leader out of the Center to several Japanese friends, with the instruction that if he were beaten or killed or if he gave the word, this denunciation

was to be given to the Federal Bureau of Investigation. He then informed the alleged gang leader of this action and stated that if another beating occurred, he would denounce him. No more beatings occurred that came to my attention. Moreover, shortly thereafter, the alleged gang leader resigned his position as advisor to the Young Men's Fatherland Group, a fact which I checked with leaders of the Resegregation Group.

I affirm that to the best of my knowledge and belief many residents of the Tule Lake Center and I myself, believed that one of the advisors to the [50] Young Men's Fatherland Group led a gang which assaulted persons who criticized the policies of the Young Men's Fatherland Group and the Resegregation Group. I also affirm that many residents believed that persons who opposed the Resegregation Group were in immediate danger of physical violence from this gang.

On November 3, 1944, the Resegregation Group and the Young Men's Fatherland Group vigorously sponsored a pretentious ceremony to celebrate the birthday of the emperor Meiji. Non-members were forbidden to attend this ceremony. I was invited to attend this ceremony as a guest and did so, deeming it an opportunity to gain some idea of the numerical strength of the supporters of the group. Since the participants stood motionless for over an hour, I had an excellent opportunity to count them. Approximately 600 members of the Young Men's Fatherland Group were present and approximately 1,800 additional adults and children. This is significant, for the birthday of the emperor Meiji was considered an important holiday and any member of the Resegregation Group who did not attend this ceremony could not, in my opinion, have been an enthusiastic member. Moreover, if he did not at-

tend he stood in danger of serious reproof from fellow members.

It is my considered opinion that until December of 1944 the substantial majority of citizens residing in the Tule Lake Center were not markedly interested in the renunciation of citizenship and did not welcome the opportunity to renounce. On August 14, 1944, the first Japanese who was not intimately connected with the leadership clique of the Resegregation Group introduced the subject of the renunciation into conversation with me. Between that date and December 5, when Mr. John L. Burling of the Department of Justice arrived at the Tule Lake Center, I had 95 interviews with informants (excluding all interviews with leaders of the Resegregation Group). To my certain knowledge some of these informants were nominal members of the Resegregation Group. Others were not. Some 80% of my informants were citizens. Approximately 60 of these interviews were very extensive, lasting several hours or an entire afternoon. All of the interviews were informal, for it was my policy to allow the informant to direct the greater part of the conversation. Almost invariably, when informants were concerned over a matter, they introduced the subject into our conversations. [51]

In the many pages of verbatim data I collected between August 14, 1944 and December 5, 1944, the renunciation of citizenship was mentioned six times by informants who were not leaders of the Resegregation Group. Only one informant stated that he intended to renounce. This man,

an extremely reliable informant who was hostile to the Resegregation Group stated that he intended to renounce because he had committed himself to return to Japan and would not break his word. On September 4, he stated:

“If there are people who will renounce their citizenship merely to escape the draft it would be a good thing if the (American) government sent them first to Japan—then they’ll get drafted there.

“When it comes to a final showdown, I think most of the Nisei will turn it down (will not renounce). . . . Roughly 60% of the people in camp are citizens. I think if 50% (of the citizens) renounce their citizenship, they’ll be doing good. It may be less.”

On September 26, the Issei informant who was later assaulted, stated:

“My common sense opinion is this: from the Japanese part, the right of American citizenship is already denied. So it is not necessary for them to make formal declaration of denouncing it.”

It is my opinion that at this period (August 1944 through November 1944) the attitude of the leaders of the Resegregation Group regarding the proposed renunciation of citizenship was in marked contrast to that of the residents who were not members of this group and to many residents who were nominal members of this group. I believe that the leaders of the Resegregation Group during the months of October and November 1944 expected that the jurisdiction of the Tule Lake Center was soon to be taken over by the Department of Justice. I believe that they anticipated that an especially early and enthusiastic eagerness to renounce citizenship would cause the

members of their group to be recognized by the Department of Justice as individuals particularly worthy of remaining in Tule Lake (under the Department of Justice) while the "fence-sitters" whom they stigmatized as "not loyal to Japan" would be forced to leave the Center. In fact, they repeatedly attempted to give me the impression that they were in almost constant correspondence with the Department of Justice and I am certain that they also gave members and residents this impression. [52]

On October 5, 1944, an enthusiastic member of the Young Men's Fatherland Group and the Resegregation Group told me that during a conference with Mr. Best, the Project Director, the Director had told him that it was almost a certainty that the Tule Lake Center was going under the Department of Justice within 60 days. On October 6, the Project Attorney, Mr. Campbell, told me that the WRA administration was seriously considering making an announcement to the Japanese residents that the Tule Lake Center was to be transferred to the jurisdiction of the Department of Justice. On October 9, the wife of a leader of the Resegregation Group told me that the petition of September 24 had 10,000 signatures and added:

"We are not going to take any more (signatures) because soon we'll be under the Justice Department."

On October 10 Mr. Dillon Myer addressed the WRA staff at Tule Lake and stated according to my notes which are not verbatim that "he didn't know to whom the Tule Lake Center was going to be turned over."

On October 16 the young Resegregationist who stated that he had had a conference with Mr. Best, told me:

"If the Justice Department does not take over it would put me in a tough spot because I made a report to the

Resegregation Committee that they (Justice Department) would take over in 60 days. Mr. Best (the Project Director) definitely told me that this would take place within a week after the (presidential) election. . . . When I made this report to the Resegregation Committee, they were very happy over it."

On October 16, an informant who disliked the leaders of the Resegregation Group, and, in my opinion, was repeatedly threatened by them, stated:

"The Resegregation Group are bragging throughout the camp that it is because of them that the camp is going under Justice. I said to one, 'If your influence is so great as that, you could do much more for the Japanese in other ways.' "

On October 23, the alleged gang leader and advisor to the Young Men's Fatherland Group told me:

"The people are anxiously awaiting for the denouncement of it (citizenship). When Mr. Best made the statement that within 60 days the camp would be under Justice (Department) the people were delighted. We more or less expect it." [53]

I am informed that in the latter part of October 1944 the Department of Justice began to receive petitions for permission to renounce citizenship bearing the signatures of many persons and also received requests for renunciation which were typewritten forms imitating the official forms. Such forms, I am told, were not accepted.

On December 12, the young Resegregationist who told me that he had conferred with the Project Director and

been told that the Center was soon to go under the Department of Justice told me:

"Mr. Best (the Project Director) double-crossed me again. Mr. Best told me definitely that typewritten copies (of renunciation forms) would be sufficient and for me to send in the typewritten copies. I was on the spot (before the Resegregationists) because I reported this."

On December 9, a young Kibei who resided in a block where the Resegregationist Group was very strong, told me:

"The Sokoku bunch (Young Men's Fatherland Group) want to go (to Japan) earlier than any of the rest."

Her husband added:

"The Sokoku bunch typed their forms on the typewriter so that they could be the first ones. I told our neighbors that their forms wouldn't be any good."

I am strongly of the opinion that the leaders of the Resegregation Group were substantially if not entirely responsible for the aforementioned petitions and improper forms and that they hoped by an early renunciation on the part of their citizen members to achieve their long sought goal—resegregation. I have no information on the manner in which the proposition to renounce en masse was put before the members. It is probable, however, that the suggestion was placed before the young men at a meeting or meetings. Whether this is so or not, it is my opinion that members of the Young Men's Fatherland Group who, at this time, refused to apply for renunciation of citizenship or spoke against the suggestion stood in danger of physical violence from members of their own group and knew that they stood in such danger. I have no explicit data that such threats were made.

Mr. Burling arrived at the Tule Lake Center on December 5, 1944. I was told that he had come to initiate the hearings for renunciation of [54] citizenship. Several of my informants apparently believed that the fact that Mr. Burling was calling the leaders of the Resegregation Group and the Young Men's Fatherland Group to see him indicated that these leaders might be apprehended and punished.

On December 14 an Issei informant told me:

"I've heard that 18 of the Resegregationists have been called in. The people first thought they were arrested by the FBI. All of them (the people) are pleased, excepting those who are members, of course. They (non-members) want them to be taken away."

He added:

"The members of the Sokoku (Young Men's Fatherland Group) are narrow minded. Many of them were sorry after they signed and found out what was inside. But if they change their signatures, they're scared. So they can't cancel their signatures, not even if at the same time they didn't want to be one of them."

(In my opinion, this informant was referring to cancellation of membership, not cancellation of renunciation of citizenship applications.)

On December 15 a Nisei informant told me:

"I heard that their (Resegregation Group) leaders were being pulled in. But we don't discuss those things openly. It isn't healthy."

I visited a number of the leaders of the Resegregation Group and the Young Men's Fatherland Group at this time and observed that some of them appeared frightened

by the tone of their hearings with Mr. Burling. The chairman of the Young Men's Fatherland Group asked me why the first question Mr. Burling asked at the hearings was, "Are you a member of the Sokoku." He expressed the opinion that renunciants should only be questioned on their desire for renunciation of citizenship. Another member of the Young Men's Fatherland Group who was present stated: "We haven't been influencing anybody to take out renunciation papers, even though the administration says we have."

From December 8, 1944, until December 17, the date on which the residents heard that the Western Defense Command was about to withdraw the public proclamation and orders of 1943 which had ordered the exclusion of persons of Japanese ancestry from the West Coast, no informant who was not [55] an ardent Resegregationist, stated that he intended to renounce his citizenship. On December 11 a Nisei girl asked me if she would have to renounce her citizenship in order to go back to Japan. She stated that she was not going to apply, but added that "there was a big rumor in camp" that those who did not renounce would not be allowed to go to Japan.

On the same day the chairman of the November 1943 Representative Body, who did not renounce his citizenship, stated:

"I'm not going to renounce mine. If a man doesn't have Japanese citizenship and if he renounces it, he'll be without a country. . . . I wouldn't want to fool this country or evade any obligation to this country by saying that I wanted to go back to Japan and then stay here."

On December 15, a Nisei girl stated:

“They say it’s so hard for you to renounce your citizenship because they want to see that you’re not avoiding the draft. There’s a rumor going around camp that those who do not renounce citizenship are going to be drafted.

. . .

“I hear a person say yesterday—a Nisei—‘You know, I denounced my citizenship and I hated to go to the hearing.’ ‘Why?’ I asked. He said: ‘I have to say awful things about America or they won’t give me my renunciation and I don’t want to do that.’”

I have now described the sociological phenomena in the Tule Lake Center relevant to the renunciation of citizenship up to the announcement of the lifting of the exclusion orders. My data indicate that up to this time the residents of the Tule Lake Center who were not enthusiastic members of the Resegregation Group or the Young Men’s Fatherland Group exhibited no marked desire to renounce their citizenship. It is my opinion that they did not welcome the opportunity to renounce and that a substantial majority of the residents, at this time, had not yet made up their minds whether to return to Japan or not. Yet on December 26, 1944, some 2,000 applications for renunciation were received by the Department of Justice. In January, 1945, 3,400 additional applications were received. My data indicate and it is my opinion that the announcement of the lifting of the exclusion orders and the policy followed by the WRA administration and the Department of Justice from the middle of December 1944 through January 1945 produced a state of [56] mind among the citizen and alien residents of the Tule Lake Center which was substantially responsible for

the majority of applications for renunciation. The paramount reason for renunciation was, in substance, the fear that those persons who did not renounce their citizenship would be forced to relocate.

This phenomenon may be difficult for a person who has not been a segregee to understand. Certainly, an outsider after reading this document would be inclined to conclude that a logical person or even one possessing ordinary common sense ought to have welcomed the opportunity to get out of Tule Lake. Emphatically, it is my opinion that this was not so. The segregees had been stigmatized as "disloyal to America" and as "rioters". They feared that if they took up residence outside the Center they would meet grave economic hardship and discrimination; they feared physical violence from Caucasians if they relocated; they feared that their sons would be drafted; parents feared that if they allowed their Nisei children to relocate they would lose touch with them and that they, the parents, might be obliged to return to Japan alone. The total effect of these fears produced a phenomenon which amounted to far more than the sum of its parts. The residents of Tule Lake had been confined in various Centers for almost four years. It is my opinion that they were predisposed to fall into mass anxiety and mass hysteria, conditions which are not accompanied by logical or well considered action. If the facts and suggestions presented above are kept in mind, the events to be related will be easier to understand.

On December 17, 1944 the residents learned of the proposed lifting of the orders excluding Japanese from the West Coast. On December 19 the project newspaper, the Newell Star, announced "that the new system will permit the great majority of persons of Japanese ancestry

to move freely anywhere in the U. S. that they wish to go." It added that "after January 20 all restrictions will be lifted except in the cases of individuals who will be specifically and individually notified." On the same day a mimeographed announcement by Dillon Myer was distributed among the Japanese residents to the effect that "all relocation centers will be closed within a period of six months to one year after the revocation of the exclusion orders." The same day, Mr. Best, the Project Director of Tule Lake, announced to the Japanese residents that "the Tule Lake Center will be [57] considered a relocation center and a segregation center for some time to come. Those whom the Army authorities designate as free to leave here will be in the same status as residents of a relocation center." The Army Team of some 20 officers began to hold hearings on December 18 or 19. Only male residents were called to these hearings.

Residents whom I visited in the week following the announcement appeared shocked and surprised. Some expressed anxiety. No one, however, stated that he would take advantage of this order and relocate. Instead, a number of rationalizations were voiced, to the effect that they, as segregees, would be allowed to remain at Tule Lake. When, however, the male residents were called for their Army hearings, most of them were not given detention orders. Within a few days it became apparent that segregee status was no guarantee that they might remain in Tule Lake.

On December 24 a Nisei girl told me that she was worried by the results of some of the Army hearings to which young men of her acquaintance had gone. In spite of their pro-Japanese statements, they had not been given detention orders. On the same day a Nisei boy told me

that he had just returned from his Army hearing. He stated that the soldier had asked him if he wanted to renounce his citizenship. "So I said I was going to renounce, because I figured that then I could stay in Tule Lake." He assured me that another young man of his acquaintance had stated that he told the soldier he was loyal to Japan and had applied for expatriation but still he was handed a permit to leave camp, providing he did not go to certain exclusion areas. The sister of this informant then asked me: "They (WRA) won't force us out, will they? What can we do after everything we had is sold? . . . Our family might be able to get along if we had a lot of boys, but still that won't do any good because they'll have to go into the Army."

On December 19 a Kibei told me:

"Four men in my block were called by the Army. They asked them questions like, 'Do you want to go out or do you want to renounce your citizenship?'"

Realizing the effect that such questions put by Army hearing officers would have on the Japanese residents, I made several attempts to determine whether these assertions on the part of my informants were true. Mr. Noyes, [58] the WRA Project Attorney told me:

"Best (the Project Director) talked to Army officers about the renunciation and resettlement question (put by Army officers). When Best inquired about the significance of asking if the evacuee had applied for renunciation of citizenship they answered that it was instructions from the Presidio. And they said that they asked about resettlement just to be human."

On December 23, an ardent Resegregationist spoke scornfully of the fear of people who did not desire to leave Tule Lake:

“The fence-sitters say they are going to grab on with their hands (to keep from being forced to relocate). They say, ‘Let the others go first . . . Then when everything’s safe, we’ll go.’ ”

On December 29 a Nisei girl stated:

“Are they going to kick us out? What good will that do, when we don’t want to get out? . . . We hope that by renouncing citizenship we will be allowed to stay here, but we are not sure. WRA should inform us of this.”

I do not affirm that the Army hearing officers asked residents of Tule Lake whether they were going to renounce their citizenship or whether they were going to relocate. I do affirm, that to the best of my knowledge and belief, many residents believed that such questions were asked. I also affirm that this belief, coupled with the statements issued by the WRA administration was in large part responsible for the fact that on December 26, 1944, some 2,000 applications for renunciation of citizenship were received by the Department of Justice.

On December 27 the officers of the Resegregation Group and the Young Men’s Fatherland Group were removed from Tule Lake to the Department of Justice Internment camp at Santa Fe. It is my opinion that the relatives of the interned men and other Resegregationists interpreted or chose to interpret this internment as the first step in their long awaited project of a resegregation. Informants stated that relatives of internees were boast-

ing of the "safe" status of the internees and predicting that within 50 days they would be re-united. The internees would be returned to Tule Lake while persons who were not member of the Resegregation Group would be "kicked out". A rumor, which had probably existed before, became widespread. [59] It held that individuals who had not renounced their citizenship by January 20 would be "kicked out of camp" or would be drafted.

On January 2 a Kibei informant told me:

"They (Resegregationists) keep saying that anybody sent to Santa Fe is taking a step forward to becoming a real Japanese. If this propaganda takes effect it will cause great trouble . . . I think the Hoshi-dan (Resegregation Group) undoubtedly has started the rumor that by renouncing citizenship the people will be allowed to stay here at Tule Lake."

On January 3 a Nisei informant stated:

"The people picked up say they're glad. They say we (persons not interned) are going to be kicked around while they will be safe and sound."

On January 19 an informant told me of a rumor which he said had been current for several weeks:

"They say all those persons who have not renounced their citizenship will be kicked out of camp . . . Some people are also being told to answer in a radical way so that their citizenship will be taken away."

Meanwhile, expressions of anxiety and fear increased in number and in force. Many residents complained that they had been given no specific information by the WRA as to who was going to be allowed to stay in Tule Lake.

On January 2 a Nisei informant stated:

“We wouldn’t mind going back to San Francisco if we had everything as when we left it. We’d jump right out. But we’ve lost everything.”

On January 3 another Nisei informant stated:

“I don’t know what’s going to happen to us! It’s very confusing. I think everybody feels that. They don’t know what’s what yet. In the first place why do they want to kick us out? It’s their fault we came here. They can’t say, ‘We’ll give you 25 dollars and coach fare. Get out by such and such a day.’

“Since the people have been in camp three years, their funds are exhausted. It’s all right for people who can afford it.”

This informant then added:

“Can people be thrown out even if they renounce their citizenship?”

On January 5 the WRA officials reiterated their intention of getting all evacuees who were “cleared” out of all the Centers. An official [60] pamphlet was distributed throughout the Center in which Mr. Myer reaffirmed his earlier statement that the prime objective of the WRA was “to restore the people residing in relocation centers to private life in normal communities.” It is my opinion that this statement did not reassure the residents of Tule Lake.

On January 5 an Issei informant stated:

“They (the Japanese) have nothing to depend on . . . I don’t know one person who wants to go out.”

On the same day a Nisei stated:

"My intention is to stay here until I'm forced out."

On January 8 another Nisei informant stated:

"The people are very much at a loss due to the fact that they can't make a decision. The WRA officials admit they're in the dark themselves. They don't know what to do or what it's all about.

"I've got six children and my wife. Also my father and mother. To go outside you have to have a certain kind of home. If they want me to go out the least they can do is to give me some kind of housing and say, 'Now, will you take this?' Instead, they are saying, 'America's going to help you. So you go out and do what you can.' That's not dependable. We want some assurance if we're to go out. By staying here, I'll have a roof over my children's heads and enough to eat, although I don't like the food.

"When the Army came out to ask us to make this decision I told the Colonel, 'If you set a deadline, I will renounce my citizenship due to the fact that I have no place to go.'"

On January 9 another Nisei informant stated:

"Under the international agreement, they can't kick the aliens out of camp. That's the reason that so many people are renouncing their citizenship."

Meanwhile, a number of informants who, in my opinion, were influenced by newspaper reports describing the statements made by certain residents of California, told me of rumors which were being circulated in the Center.

On January 13, a Nisei stated:

"California is the last place I'd want to go back to with all I've [61] been reading. They say the Army will back us up. But that's only against mob violence and not against what an individual might do. If some person beats us up, we can't do anything about it."

On January 12, another Nisei stated:

"People are saying that some Japanese were killed around Stockton (California). Reading the papers and considering all other facts, the people have a feeling of not wanting to return to the Pacific Coast."

On January 14, another Nisei stated:

"What do they want us to do? Go back to California and get filled full of lead? I'm going to sit here and watch."

On January 15, another Nisea stated:

"Rumor is being circulated that five Japanese were killed in Fresno, (California)."

Such rumors and the sentiments which they engendered endured for many months. On May 8, 1945, a Nisei informant stated:

"Yeah, you're free all right if you go out. You've got civil rights. Civil rights to be dynamited! Civil rights to have your head cut off! They're even trying to take poor Doi's land away from him now."

This informant's sister, who was present, tried to calm him, and explained to me: "If they had made an example of those soldiers (who attempted to dynamite Doi's residence in California) it would have helped."

On January 24 Mr. Burling released a letter written on behalf of the Attorney General condemning the activi-

ties of the Resegregation Group, stating that they "are intolerable" and that they "will cease." One informant criticized the letter as "sarcastic." One Nisei, who had some legal training but, to the best of my knowledge, had no connection with the Resegregation Group or the Young Men's Fatherland Group, remarked:

"The Department of Justice is not sincere. They are hounding people with a childish mentality and making them act like kids . . . They've got you behind the eight ball once you renounce.

"The way these hearings were conducted it seems as if Burling had the final say of whether to accept a renunciation or not. The law states that it is the Attorney General who had the final say. As I see it, it's a frameup. I'd hate to live in this country if Burling was Attorney General." [62]

Other informants, however, appeared to be distinctly pleased at the verbal castigation the Resegregation Groups had received:

On January 27, an informant stated:

"Confidentially speaking . . . I think he's got brains in his head. Many of the people think he did the right thing . . . The Department of Justice really meant business. The people were kind of happy."

On January 31, another informant stated:

"It sure disgraced many of them (Resegregationists). If they had shame enough, they wouldn't have the face to come out with. We all agreed that that ought to have put a stop to it. But it seems it didn't."

On February 8, another informant stated:

"It was time somebody told them off! . . . After all, this is American soil."

On the same day, another informant stated:

"The people thought, 'That's telling them!'"

The Resegregation Group and the Young Men's Fatherland Group, however, continued their activities. They also continued to spread propaganda to the effect that internment was a badge of honor, that internment made one a "true Japanese," and that their group was shortly to be placed "safely" in a Center under the Department of Justice, while all other residents of Tule Lake would be forced to relocate.

On January 29, 1945, a statement by Mr. Dillon Myer was released in the project newspaper that "those who do not wish to leave the (Tule Lake) Center are not required to do so and may continue to live here or at some similar center until January 1, 1946." My data indicate that this statement did not reassure the residents. Instead, it is my considered opinion that the six weeks of tension, fear, and extreme insecurity brought about in part by the residents' interpretations of Administrative policies and the Army hearings and, in part, by the internments and the rumors circulated after the internments had, by the end of January 1945, brought the residents to a state bordering on panic. The phenomena of mass hysteria are to so great an extent marked by lack of logic that they are difficult to describe in a document of this nature. I shall offer the following statements made by informants between January 26, 1945, the date of the second internment, [63] until the end

of February 1945. On the basis of my intensive study of the situation, I affirm that to the best of my knowledge and belief, these are not the statements of a few atypical individuals but that they are a rather mild representation of the state of mind of the substantial majority of the residents. I also affirm that to the best of my knowledge and belief in these specific statements my informants were telling me the truth, except when they state that the members of the Young Men's Fatherland Group were glad to be interned. Here, a closer approach to the truth would be, "They say they are glad to be interned."

On January 29, a Nisei girl told me:

"The Hokoku group (Young Men's Fatherland Group) were all glad to get sent to Santa Fe. They have this one feeling that now their status is sure about the draft."

On January 30, an Issei informant told me:

"Most people are glad those radicals were picked up . . . but the radicals are still stubborn so we better keep quiet. If I should say what I think in public they (Resegregationists) would say, 'Beat him up!'"

On February 1 a Kibei informant told me that the Young Men's Fatherland Group was going about the camp asking for signatures which would indicate that members were still loyal to the organization. He said, "Those who refuse to sign they call 'dog'." He added that a friend of his who had been scheduled for internment and then released feared physical violence from members of the Resegregation Group because he had not gone to Santa Fe. "Mr. Doi came to stay here (at the informant's apartment) at first, but I told him to go back to block 59. That's what a man has to do."

The Kibei's wife added:

"Gee, I hope the day will come when we can go to the laundry and wash our clothes and not have the Hokoku people glaring at us."

On February 8, a Nisei woman stated: .

"When the so-and-so Hokoku go (to internment) we can't go and say, 'We're sorry your son was taken away.' You have to congratulate them!

"I heard some of them (Resegregationists) complimenting a family whose son was sent. They say they are true Japanese. The man said, [64] 'Next trip it will be my son.' They (Resegregationists) are just tickled pink.

"A week ago my husband met a friend who had a bozu hair cut (shaved head). He said, 'What, are you bozu, too?' 'Sh-h-h,' the friend said, 'This is camouflage. Otherwise nobody in my block will talk to me.' . . . I hear that in block 74 there are two girls who refused to become members of the (Resegregationists') girl's organization. All the other girls won't speak to them now."

On February 13, a Kibei informant stated:

"In the minds of the people of the Center has been the general impression that by going to Santa Fe they'll be recognized as aliens and they feel that their renunciation of citizenship is granted. Whereas if you are a gentleman enough to be peaceful and quiet, renunciation will not materialize."

On February 16, a Kibei girl told me:

"Many of the parents are trying to make their sons join the Hokoku (Young Men's Fatherland Group). This is especially in the Manzanar section. One boy has a duck

cut and wears zoot suit clothes. His parents are trying to make him join the Hokoku. He says, 'Golly, I can't do that. How would I look in Santa Fe?'"

On February 28, a Nisei girl stated:

"I know some poor kids, their parents made them shave their heads But they still roll up their jeans to show their Argyle socks (Argyle socks were, evidently, the height of style for adolescent Nisei). A lot of kids say that when they're 18 they'll have to join the Hokoku due to their parents' pressure and the draft."

On February 28, my most reliable informant, a very blunt man, stated:

"Many Issei and families are forcing their sons to join the Hokoku-dan merely to escape the draft. I told them, when they get back to Japan they will use some means to keep their sons out of the Japanese Army. They were surprized to hear me say that."

In my opinion anxiety and panic reached a peak in mid-February immediately after the internment of February 11, when most of the members of the Young Men's Fatherland Group were removed from the Center. I was [65] assured by several informants that the remaining Resegregationists on February 12, had held a great rally in the Manzanar section. At this rally, it was reported, the people had been told that all citizens who were not members of the Young Men's Fatherland Group (which, of course, implied renunciation of citizenship) would be drafted by March 1. (At this time most renunciants who were not members of the Young Men's Fatherland Group had not yet received official notices that their renunciations were accepted by the Attorney General.) I cannot affirm

that such a meeting was held or that such statements were made. On February 13, however, I received a letter from a Kibei (dated February 12), part of which follows:

"The condition in the center has been most unsettled because of recent mass pick-ups (internments). The current rumor which in my opinion is the most vicious has it that unless people (young men, of course) sign up with the organization, they will be subject to draft by March of this year. There seems to be a great increase in the membership of said body. The people are under the impression that if you are a member, then your chance of renunciation is guaranteed; whereas, if you are not, you just don't know when you will be able to renounce your citizenship . . . The result if left unabated, will not only be tragic but dreadful. I don't know what you are able to do, but for justice's sake please take some action."

On February 13 I consulted my most reliable informant, an older Nisei, and asked him about these rumors. He stated:

"Those rumors are being heard about the camp. It has a tremendous effect. People are joining the Hokoku. It's going over like wildfire.

"The people are in a quandary and don't know what to do. They just follow the mob. I told people who came to me to ask for advice, 'You are like a bunch of sheep.'

"I gave those parents hell for being so jittering and not having a mind of their own. Renunciation is the only idea. Parents want their sons and daughters to renounce so they can go to Japan with them. It's fantastic in a way. . . .

"The trouble with most of the Japanese in this camp or in any other camp is that their mind is not made up. They swing from one side to the other. They will fluctuate." [66]

On February 19, a Nisei girl stated:

"A week ago the people were in hysterics . . . They were so excited. They said, 'The draft papers are right there . . . they'll draft us all over camp.'"

On February 13, a well educated and intelligent informant remarked:

"Sociologically speaking, I wonder if the people have not been tortured in their minds for so long—all they can think of is what's happening right in front of their eyes and they aren't looking forward to the future at all. None of them think of the fact that the war might end and then what position would they be in?"

When March 1 passed and no residents were drafted the acute excitement slowly abated. It was not until March 16, however, that the WRA announced to the residents that those activities in which Resegregationists had taken part, e. g., parades, drilling, bugling, were unlawful and prohibited.

I received relatively little information from informants on how the renunciation hearings were conducted. Several informants commented on the short time the hearings took; two mentioned that they had been treated courteously. One informant stated that an acquaintance who had had a hearing regretted that he felt obliged to make derogatory statements about the United States in order to make sure that he would be granted renunciation. No informant stated or implied that any kind of duress was exerted at the hearings by the hearing officers of the De-

partment of Justice. It is, however, my opinion and belief, that a great many citizens made false statements at their hearings, regarding their loyalty to Japan and to the Japanese emperor.

Much has been said in this document about persons who renounced their citizenship and almost nothing about those who did not. Undoubtedly, the substantial majority of persons who did not renounce their citizenship did so because their ties to the United States were so strong that they were able to resist the extraordinary sociological and psychological pressures which were brought to bear upon them. It is of interest, however, that, in my opinion, the most courageous and open adherents of non-renunciation were a group of young men who were alleged to be gamblers. These young men on two occasions openly defied the Young Men's Fatherland Group, which had publicly stigmatized them as "gamblers" and "sake-drinkers". [67] On December 15, 1944 a group of about a dozen of these alleged gamblers entered the block where the Young Men's Fatherland Group had its headquarters. One of the young men challenged the male secretary of the Resegregation Group and the two men fought with a mop and a piece of wood, while the other so-called gamblers stood about and held off a crowd of angry Resegregationists. The non-Resegregationist was victorious and after the fight he addressed the crowd, denouncing the Resegregationists as "ruining the young men in the Center." The leaders of the Resegregation Group, in my presence, voiced threats of extreme physical violence against this group of alleged gamblers but did not carry out the threats, since the issue was subordinated by the excitement which followed the internment of December 27, 1944.

I was well acquainted with a number of these alleged gamblers and, as far as I know, they did not renounce their citizenship. Their open defiance of the Resegregation Group was, in my opinion, intimately related to the fact that even though they were greatly outnumbered, they were, by the late fall of 1944, the only group in the Center which possessed the organization and man-power to risk physical combat with the Young Men's Fatherland Group. In regard to the fact that they did not renounce their citizenship, it is my opinion that they were hard-headed realists. On February 5, 1945, when many of my other informants were in a state of extreme anxiety fearing that their applications for renunciation would not be accepted, I had a long interview with members of this alleged gambling clique. They discussed the renunciation with comparative calm. One stated:

"After all, as I see it, my American citizenship isn't anymore good to me than a roll of toilet paper right now. In fact, it's less good. But I was born with it and I'm not going to give it up. It might come in handy later."

SUMMARY OF THE MOTIVATIONS WHICH LED TO RENUNCIATION OF CITIZENSHIP

As a student of anthropology and sociology I view the phenomena relevant to the renunciation of citizenship as a cumulative process which may be traced back to the evacuation. In the spring of 1942 citizens of the United States were removed from their homes and confined in relatively unpleasant surroundings under Military guard. Over a thousand Nisei who later renounced their citizenship were between the ages of 14 and 18 years [68] of age when they were evacuated. In the fall of 1943 over 6,000 citizens were segregated to the Tule Lake Center

and stigmatized as disloyal to the United States. Certain of the factors which motivated these persons to become segregees have been stated on pp. 7-8 of this document. There were, however, a substantial number of citizens who were taken to or remained in Tule Lake who, at the time of segregation and after segregation, held status as loyal citizens of the United States. To affirm that residence in the Tule Lake Center did not contribute to the development of confidence in the United States, to a sense of security in regard to the intentions of the United States, or to a realization of the rights and responsibilities of American citizen, is, in my opinion, a distinct understatement. From the early months of 1944, the Resegregation Group, whose leaders affirmed a fanatic loyalty to Japan, was permitted to propagandize the residents of the Center. In August of 1944 this organization made a deliberate attempt to draw American citizens residing in the Center into an auxiliary organization, the Young Men's Fatherland Group, which among its other aims listed the renunciation of American Citizenship. Numerous speeches of an extreme Japanese nationalistic character were delivered to the young men. They were urged to participate in militaristic exercises. In addition, the Resegregation Group had within its body a group of terrorists who repeatedly assaulted residents who criticized their policies and activities. Only one of these assailants, to my knowledge, was apprehended and punished. Furthermore, up until December of 1944 no authority at any time substantially attempted to discourage the Resegregation Group. Not until January of 1945 was the group formally reprovved by the Department of Justice and not until March of 1945 did the WRA announce that the activities of this group were illegal and prohibited.

In addition to the influences described above, the residents of Tule Lake for almost four years had been subjected to the demoralizing effect of life in the Centers. They had suffered endless annoyances and irritations, which were all the more grievous because they were thought to be unjustified. They had been stigmatized by the press as rioters. Certain grave brutalities were said to have been committed upon Japanese young men by the WRA Internal Security on the night of November 4, 1943. (I have not [69] included these specific data in this document, though I have statements from young men who said they were beaten and statements from a doctor and a nurse's aide who attended them.) The residents, for a long period, had almost no opportunity for recreation and many who desired work could not be given employment. They had almost no contact with any friendly American of Caucasian ancestry. Their country, they thought, had cast them off and considered them "disloyal". In short, for almost four years, their experiences had been of a nature calculated to make them lose faith in America and blight their conception of the value of American citizenship.

Despite these experiences, I affirm, that to the best of my knowledge and belief, the very substantial majority of the citizen residents of Tule Lake in November of 1944 did not welcome the opportunity to renounce their citizenship. I affirm that to the best of my knowledge and belief were markedly un-enthusiastic. I affirm that the very substantial majority of residents in Tule Lake had resisted the frenzied efforts of the pro-Japanese groups

to force them to participate in pro-Japanese activities. I affirm that some individuals, who, in my opinion, possessed great moral and physical courage, spoke against these pro-Japanese activities and were brutally assaulted. I affirm that some rash youths still dared to wear their hair in a duck cut and that many young people still passionately desired to relocate when they could obtain the permission of their parents. With a full realization of the gravity of my statement, I, who knew those residents better than any other non-Japanese, affirm that to the best of my knowledge and belief, the substantial majority of citizen residents of Tule Lake, despite their detention and despite the extraordinary pressures to which they had been subjected, were capable of re-assuming the duties and responsibilities of American citizenship.

It is for the reasons stated above, that the events which followed the lifting of the exclusion order, are, in my opinion, peculiarly tragic. I have, I believe, made it clear that the residents of Tule Lake, owing to the statements made by the WRA, their interpretation of questions asked at the Army hearings, the internments, the rumors which followed the internments, and the irrational state of mind which accompanies long detention and isolation, tension, and insecurity, were thrown into a state [70] of panic. Most of them may be compared to a crowd of persons who believe that they are about to be bombed, rush to shelters, and find there officials whose statements they interpret as "Renounce your citizenship or you cannot enter." Fear of grave economic hardship, fear

of physical violence from hostile citizens of Caucasian ancestry, fear of family separation, the fear that non-renunciants would be drafted, to which were added tremendous parental and familial pressures based on these fears were the major motivations of renunciation. During the months of March, April, and May of 1945, the families of internees continued to boast of their impending "safety" and to taunt non-members and persons who had not renounced their citizenship with the imminence of involuntary relocation.

At the time of this panic I was convinced—and I so stated to the hearing officers of the Department of Justice—that the great majority of residents were not renouncing their citizenship out of loyalty to Japan. I was also convinced that very many of the residents did not appreciate the gravity of their act and later would attempt to get their citizenship back. Many residents assured me, I believe in all sincerity, that renunciation was like the Military Questionnaire and the Segregation, i. e., they could change their minds. Some assured me that their hearings before the hearing officers of the Department of Justice were brief and therefore they were sure that later on they would be given a longer and more thorough hearing. This was, in short, not the first time that they had been given a hearing which they were assured was very grave and which, later on, had signified little. Indeed, at the time of segregation they were assured by the WRA that they would be allowed to remain in the Center until the end of the war.

In my opinion, the threat of immediate physical violence from Japanese residents was a relatively minor motivation toward renunciation of citizenship. I was told frequently that the leaders of the Young Men's Fatherland Group had forced people to renounce their citizenship. I have no evidence, however, that the force referred to implied physical violence. It is my opinion that members of the Young Men's Fatherland Group who refused to renounce their citizenship stood in danger of physical violence and were aware of this. Certain individuals who lived in blocks where many Resegregationists also resided may well have been threatened with violence if [71] they did not renounce even though they were not members of the Resegregation Group. During my residence in the Center, I collected no specific data that such threats were made.

During my residence in the Center no Japanese resident stated or implied that the hearing officers of the Department of Justice or any member of the WRA administrative staff employed duress at the renunciation hearings to influence residents of Tule Lake to renounce their citizenship.

/s/ ROSALIE HANKEY

Subscribed and sworn to before me this 8th day of January, 1947.

/s/ EDWARD T. DUFFY

Notary Public

My commission expires Oct. 9, 1948. [72]

District of Columbia—ss.

AFFIDAVIT

John L. Burling, being sworn, deposes and says as follows:

I am a member of the bar of the State of New York and of the Supreme Court of the United States. From July 1, 1939 until June 3, 1946 I was employed by the United States Department of Justice. At all times relevant to this suit I was assigned to the Alien Enemy Control Unit of the War Division of the Department of Justice, and during substantially all of the relevant period I had the title of Assistant to the Director of that Unit. The Alien Enemy Control Unit had assigned to it not only the administration of the Alien Enemy Act of 1798 but also cognate matters relating to the internal security of the United States and to exceptional wartime security controls. At all times from January 1942 until the surrender of Japan, the Unit was active for the Department of Justice in problems relating to Japanese aliens resident in the United States and to American citizens of Japanese ancestry resident before the war on the West Coast. From January 1942, when agitation in favor of evacuation of all persons of Japanese ancestry arose on the West Coast, onward, I was active in the Department of Justice in dealing with the various problems to which that agitation led, including the ultimate removal from the West Coast by military authorities of all persons of Japanese ancestry. The Department of Justice and, through it, I, personally, was aware of substantially all of the governmental developments and the policy determinations leading to that evacuation and to the creation of the War Relocation Authority. Thereafter, I was one of the officials of the

Department of Justice who was most closely in touch with the officials of the War Relocation Authority and who sought to coordinate [73] the activities of the Department of Justice with that agency where appropriate. It may be said, in general, that I am thoroughly familiar with the problems created by the evacuation and particularly with the problems related to internal security, many of which problems arose especially at the Tule Lake Center of the War Relocation Authority located at Modoc County, California.

Subsection (i) of Section 401 of the Nationality Code which authorizes renunciation of American citizenship under certain circumstances was added to the Nationality Code of 1940 by Act of July 1, 1944. The enactment of that law came about under the following circumstances:

In the early winter of 1943, coupled with an effort to recruit combat teams of American citizens of Japanese ancestry to serve with the armed forces, the War Relocation Authority undertook to have a questionnaire or questionnaires filled out by a large number of the residents of its ten centers into which the very great majority of persons of Japanese ancestry previously residing on the West Coast had been moved. This questionnaire included questions relating to loyalty to the United States on the part of both aliens and citizens. Due probably in part to the manner in which the questionnaire was handled both by military authorities and by officials of the War Relocation Authority and probably in part to distress at having been moved into these guarded, barbed-wire-enclosed camps and probably in part to genuine loyalty on the part of some toward Japan, a considerable number of persons, both citizens and aliens, either answered the questions pertaining to loyalty in the negative or declined to answer.

Thereafter, in the spring of 1943, the War Relocation Authority encountered unfavorable publicity in certain sections of the press. At the same time a subcommittee of the House Select Committee to Investigate Un-American Activities conducted an investigation into the policies of the War Relocation Authority. In the course of this investigation and in the press the War Relocation Authority was very [74] strongly urged to segregate those whom it deemed disloyal to the United States from those whom it deemed loyal. The preparation for this segregation process was carried on in the spring and summer of 1943. Very generally, it may be said that those persons who had answered the loyalty question above referred to in the negative and who failed subsequently to withdraw their negative answer and to substitute an affirmative answer were scheduled for segregation. Similarly, persons who requested to be repatriated to Japan were scheduled for segregation. A small number of others as to whom there was specific security information provided by one or more Government agencies or who failed to persuade the War Relocation Authority of the genuineness of their amendment to the negative answer to the loyalty questionnaire were scheduled for segregation. The very great majority of all persons designated for segregation, however, received such designation as a result of either a negative loyalty answer or a request for repatriation. In addition to adults selected for segregation, minor children of segregants and family members of segregants who desired to remain in the family unit were permitted to be segregated.

Prior to the completion of the preparation of lists of persons designated for segregation, the War Relocation Authority announced that the Tule Lake Center in Modoc County, California, which was at that time one of the

Authority's ten relocation centers, would be selected as the segregation center. Inasmuch as many of the persons of Japanese ancestry who had been moved by the Army first from their homes to Army camps and then from Army camps to War Relocation Authority centers regarded such movement as an exceptional hardship, a considerable number of persons who had already been moved to the Tule Lake Center in 1942 did not desire to move to another Center in the process of transforming the Tule Lake Center from a relocation center to a segregation center and, therefore, desired [75] to remain there notwithstanding their knowledge that the Tule Lake Center was to become the segregation center for persons of Japanese loyalty. The precise number of persons who would not have been segregated by the War Relocation Authority's criteria who remained in Tule Lake because of unwillingness to move is not known but it was thought to be slightly more than 6000.

In general, therefore, it may be seen that few of the persons segregated were segregated against their will. Segregants had ordinarily elected that status either by giving and adhering to a negative loyalty answer or by making and not withdrawing a request for repatriation or by refusing to leave Tule Lake when the status of that center was changed. It was announced throughout all centers at the time of segregation that the principal purpose of the War Relocation Authority would be to relocate in American life the evacuees who were not segregated but that it was not intended that any relocation be carried on directly from the Tule Lake Center (although in some exceptional cases persons in the Tule Lake Center might be moved to relocation centers for further processing). The general spirit in which segregation was carried on

both by the War Relocation Authority and by the evacuees themselves was that those persons of Japanese ancestry, whether United States citizens or aliens, who desired to look to the United States for their future, should remain in or go to one of the nine relocation centers, while those persons of Japanese ancestry, whether United States citizens or aliens, who desired to look to Japan for their future, should go to the Tule Lake Segregation Center until exchanged or repatriated.

In 1942 and again in 1943 the exchange vessel *Gripsholm* made voyages between the United States and neutral ports at which exchanges took place of Japanese returning to Japan from the United States and of United States citizens returning to the United States from the Orient. Although these exchanges were extremely difficult to arrange, hope to arrange further exchanges in order to save the lives of Americans held [76] in Asia was never abandoned by the State Department and likewise hope to return to Japan, even during the war, was never abandoned by those desiring repatriation. Many of those who accepted segregation in the summer of 1943 did not anticipate a long stay in the Tule Lake Center but hoped to be returned to Japan by diplomatic exchange.

With the exception of infants, therefore, and family members incapable of independent decision, substantially all persons who went to or remained in Tule Lake after the segregation date in the autumn of 1943 had indicated an acceptance of a Japanese dominated future which involved going to or remaining in a camp guarded with barbed wire and sentry towers as opposed to the option of going to or remaining in one of the nine relocation centers (only a few of which were so guarded) to await relocation at liberty in the United States. These persons

also knowingly accepted the stigma of disloyalty to the United States.

The physical movement of persons among the various centers commenced in the autumn of 1943 and was substantially complete on November 1, 1943. On that date there were approximately 18,000 persons of Japanese ancestry living in the Tule Lake Center, many of whom had come from other camps, some of whom comprised the leadership of the pro-Japanese factions of each of the ten relocation centers and who, to some extent, thereupon commenced to compete with each other for leadership of the new segregation center.

Prior to November 1, 1943 a number of grievances had been urged by at least some of the residents of the Tule Lake Center relating to living conditions, food and the like. On November 1, 1943 Dillon S. Myer, the National Director of the War Relocation Authority, was at the Center on an inspection trip. On that day a crowd of at least a thousand persons of Japanese ancestry gathered around the administration building in such a way as to create the impression among some Caucasian members of the War Relocation Authority staff that the crowd was imprisoning the administrative officials within the administrative [77] building. Leaders of this crowd then conferred with Mr. Myer and with Mr. Ray O. Best, the Director of the Tule Lake Center, and further pressed demands. As a result of the pressure put upon the administrative officials by the crowd, Mr. Myer addressed the crowd from the porch of the building. During this time some members of the staff were physically prevented from entering or leaving the area surrounding the building and also during this period some persons of Japanese ancestry walked through corridors of the center hospital

against orders and, as a result of that incident, a scuffle ensued between the chief physician of the center and persons of Japanese ancestry. The physician was knocked unconscious, dragged outside and severely beaten. Four days later a group of youths entered the area in which motor equipment was parked which they were forbidden to enter at night. They thereupon approached the house of Mr. Best in such a manner as to cause him to believe he was about to be attacked and he then requested the assistance of the Military Police who were camped immediately outside the main gate. The soldiers entered on the night of November 4 completely equipped with armored cars, gas, machine guns and the like and assumed control of the camp.

The reverberations of these two incidents were immediate. The press called great attention to what it described as rioting. A number of employees of the War Relocation Authority became afraid and declined to remain within the fenced area. A committee of the California legislature took testimony from some of these persons and others having knowledge of the incidents, which testimony was strongly critical of the War Relocation Authority and insistent that more stringent measures be taken. Within a month the same subcommittee of the House Select Committee to Investigate Un-American Activities which had held hearings in the spring held additional hearings concerning the Tule Lake incident which hearings also were markedly critical of the situation as it then existed. [78]

In my capacity as the Department of Justice officer designated to keep in touch with this general problem, I attended several of these hearings held in Washington, was in close touch with the officers of the War Relocation Authority and was generally familiar with developments.

It was the opinion of other officers of the Department, and it was my own, that it would be necessary to modify the manner in which the problem was being dealt with. As the problem was envisaged in November 1943 by the then Attorney General, Francis Biddle, by my immediate superior, the Director of the Alien Enemy Control Unit, Edward J. Ennis, and by me, judging from the general information available to the Department of Justice and particularly the testimony at the various hearings and the statements made to us by officers of the War Relocation Authority, especially Dillon S. Myer, it was as follows:

Whether out of necessity or out of no necessity, wisely or unwisely, constitutionally or unconstitutionally, the Army had in fact moved over 100,000 persons of Japanese ancestry, over two-thirds of whom were American citizens, out of their homes and into camps. Thereafter, the War Relocation Authority had carried out what might be termed a voluntary segregation, as a result of which those who for one reason or another wished to be in a camp of persons known to be loyal to Japan were to live at the Tule Lake Center. This camp at that time housed 18,000 persons, some of whom could be presumed to have been at all times loyal to Japan. Some others of them could be presumed to have been so seriously shocked and distressed at the entirely unprecedented act of moving and detaining a group of persons selected solely on a racial basis and at its consequent great economic and social distress and at the actual hardships of moving and being placed in unprepared, crude barracks as to have become disaffected. [79] An unknown number, probably in excess of 2,000, of the inhabitants were what is known as Kibei, which

is the term given in Japanese to young men (and very occasionally women) who have been born in the United States and who have been sent to Japan to be educated and who returned to the United States only after having spent most of their formative years in Japan. A very large proportion of these Kibei were wholly Japanese in culture and education and could speak little or no English.

Within this population of 18,000 (including women and children) there was undoubtedly some group of persons whose loyalties were to Japan and who desired to create trouble and difficulty for the United States Government. Although the exact facts are still in dispute, undoubtedly some degree of physical force was employed by Japanese loyalist elements on November 1 and 4, 1943. It was the stated opinion of Mr. Myer that there was one or two thousand men in the Tule Lake Center who were at that time loyal to Japan. It was also his opinion that many of these were to be found among the Kibei, some of whom were Japanese by race, ties of family, ties of friendship, education and language and who were United States citizens and Americans solely as a matter of place of birth. The exigencies of the war and the reasonable demands of the public that persons of Japanese ancestry avowedly loyal to Japan not be permitted at complete liberty within the United States made it obviously impossible for the United States Government or any agency thereof to embark on any program of releasing from custody this small inner group of segregants who made no secret whatever of their loyalty to Japan and of their desire to see that country defeat the United States. [80]

The Department of Justice regarded it as a patent necessity that that small group, however identified or defined, should be detained. This, however, raised a most serious constitutional problem. It is my understanding of the feeling and belief of the then Attorney General and of his advisers that the detention of American citizens not charged with crime even in wartime on the basis of an administrative determination of disloyalty under circumstances not sufficiently grave to warrant the declaration of martial law was repugnant not only to the Constitution but to the basic principles of liberty upon which this Government was founded. It was recalled that never before in this country had such detention been resorted to and that the right of habeas corpus went back in British law to Magna Carta. (It was known, of course, that the British during the existing war had authorized a cabinet officer to detain British subjects on security grounds without judicial review but it was hoped that that extraordinary departure from all prior concepts of civil liberties would not be necessary in this country.) The dilemma posed, therefore, was that it was imperative to detain this group of admittedly disloyal American citizens of Japanese ancestry. Martial law might have made the detention of the group lawful but it is extremely doubtful whether conditions on the West Coast in 1943 were such as to warrant a declaration of martial law. Thus there appeared to be no way by which to detain them without doing violence to basic constitutional principles.

It was the belief of the officials of the Department of Justice considering this matter that the way out of this dilemma was to be found in the attitude and conduct of the members of disloyal group themselves. It was believed that this group was so openly pro-Japanese and so

desirous of making a demonstration of that loyalty that, if given an opportunity, they would voluntarily abandon their United States citizenship, and thereby voluntarily abandon their standing as citizens to object to the detention which their conduct rendered imperative. It was further believed in the Department of Justice that Japanese law provided that a person born in the United [81] States of Japanese citizen parents prior to December 1, 1924 automatically acquired Japanese citizenship and retained it unless he affirmatively divested himself thereof and that such a person born after that date might acquire Japanese citizenship through registration of his birth by his parents with the Japanese Consul or consular agent. It was, therefore, thought proper to presume, until the presumption was rebutted by competent evidence, that those persons of Japanese ancestry who voluntarily gave up their American citizenship and asserted their loyalty to Japan were in legal fact dual nationals. As such, when their United States citizenship ceased to exist, their Japanese nationality remained and they were, accordingly, alien enemies under the provisions of the Alien Enemy Act of 1798 (Title 50, USC Section 21 et seq.).

Thus, the proposal that American citizens should be permitted, in time of war, to renounce their citizenship as an act of their own free will, subject only to the control that the Attorney General might disapprove the renunciation if it affirmatively appeared to him to be contrary to the interests of national defense, was made for the purpose of devising a system of controlling the disloyal and riotous elements at Tule Lake while not doing injury to the Constitution and to the traditions of the Nation.

This problem became acutely one for the Attorney General on December 8, 1943. Up to that time he had

never been asked to give nor had he given an opinion as to the constitutionality of the detention of American citizens of Japanese ancestry in the various camps. On that date a request was addressed to him by the Chairman of the subcommittee of the House Select Committee to Investigate Un-American Activities to appear before that subcommittee to make recommendations concerning what should be done concerning the general problem existing at Tule Lake. The Attorney General was then confronted with the necessity of making a recommendation either for the detention [82] of American citizens not charged with crime and not under martial law by an administrative act of a military or civil official, or of recommending a means for accomplishing the detention of this group without violating the Constitution. In this situation Attorney General Biddle accepted the recommendation made to him by his advisers named above and on December 9, 1943 he recommended the enactment of legislation to permit voluntary renunciation of citizenship. Thereafter a bill was drafted which became the Act of July 1, 1944, which is subsection (i) to Section 401 of the Nationality Act of 1940, as amended. The Attorney General testified again in favor of this legislation before the House Committee on Immigration in January 1944 and the legislation was introduced, and passed.

While this legislation was pending and while the Army was gradually returning the control of the Tule Lake Center to War Relocation Authority officials following the incidents of November 1943, the leadership of the persons of Japanese ancestry in the Tule Lake Center began to change and a group arose which did not favor violent action against the administration because of food, housing, etc., but which favored correct relations with the

administration coupled with spiritual and physical preparation for return to Japan. This latter group reasoned that Japanese victory or at least repatriation was near and that the true Japanese should be prepared to resume life in Japan and that the young men should be prepared to fight for the Japanese Emperor. This group felt that the presence within the center of persons who were not truly loyal to Japan but who were loyal to the United States or who had remained out of inertia or who were waiting to see how the war would end were undesirables. The group, accordingly, demanded what was called "resegregation", by which was meant a second segregation and removal from Tule Lake of those whose loyalty to Japan was questionable. Members of the undesirable group were called "inu" or "dogs". Petitions for resegregation were circulated and were sent to the War Relocation Authority, to the Secretary of the Interior, [83] the Department of Justice, the Department of State and to the Spanish Legation in Washington which was the Legation of the protecting power for Japanese interests in this country under international law. At least 7,000 signatures were affixed to these petitions.

After these petitions had been procured, the group which had procured them, namely the group of persons most eager to return to Japan and least willing to associate with other persons of Japanese ancestry not fanatically loyal to the Emperor, formed themselves into a society for the general promotion of repatriation and of preparation for return. One of the principal concerns of this group was that American-born children other than Kibei had been exposed to American education and American life and therefore were not adequately trained to return to Japan. This group set out to provide education in ways of Japanese thinking, history and Japanese culture and the like.

The Japanese Language Schools, which existed parallel to a system of American schools in the center, to a considerable extent cooperated with this group in preparing the children for return to Japan. Inasmuch as it was the assumption of many of the members of the staff of the War Relocation Authority that the center population would go to Japan either by exchange or at the conclusion of the war, this preparation of Americanized children for Japanese life was not universally regarded as evil. One school which was conducted at the center until January 1943 was called the Greater East Asia School after the notorious Greater East Asia Co-Prosperity Sphere..

This organization of persons loyal to Japan underwent a number of changes of name but continued to exist substantially until the end of the war, although from December 1944 onward efforts were made to stamp it out.

At some undetermined time in the summer of 1944 this organization, which was principally but not entirely composed of aliens, sponsored another organization for young men roughly between the ages of 18 and 30 who were principally but not entirely citizens [84] (although many of them were Kibei). This organization in some respects was independent and in some respects bore the relation to the older one of an auxiliary to a parent organization. This organization also had several Japanese names at different times, the general meaning of all of which was Young Men's Fatherland Association. From midsummer 1944 until January 1945, when efforts were made to stamp it out by removing all of its members to Department of Justice internment camps, this organization became steadily more openly pro-Japanese and more active in flaunting these activities in the face of the American authorities. The existence of the two Japanese patriotic organizations

and of their more and more open activities was not known to the officials of the Department of Justice above-named until December 5, 1944.

The bill permitting renunciation of citizenship in time of war became law on July 1, 1944. Considerable time was spent in preparing regulations and forms to implement this statute and it was not until the autumn of 1944 that the Department of Justice was prepared to administer it. Commencing in July 1944 individual letters and group petitions began to come in to the Department of Justice containing requests for permission to renounce citizenship. After the proper forms for applying for such permission were mailed out in October 1944, several hundred typewritten copies of such forms were mailed from the Tule Lake Post Office to the Department. These were nearly identical and seemed to have been prepared by the same typist. At the same time petitions were received for permission to renounce bearing the signatures of hundreds of persons. Because of the ease with which the signatures to petitions might be coerced or forged by anyone interested, some concern was felt by officials of the Department of Justice familiar with the matter (who by this time included, in addition to those named above, Assistant Attorney General Herbert Wechsler, in charge of the War Division). As a result, it was [85] determined that all available steps should be taken to insure that no person renounced his citizenship unless he understood what he was doing and desired to do it.

The Act itself provides for renunciation merely by appearing before an official named by the Attorney General and by signing a designated form. There is no requirement for any determination whatever other than the implicit ones that the renunciant knows what he is doing

and wishes to do it, and the stated condition in the statute that the renunciation be found not contrary to the interests of national defense. At one time, the Attorney General's advisers considered setting up very simple forms which could have been executed rapidly in the presence of any competently trained Government clerk. In order to slow down the process, however, for the precise purpose of minimizing the possibility of coercion or mistake, the regulations were made far more cumbersome than necessary. Pursuant to the regulations and to the Department's interpretation of them, it was necessary for an applicant first to write to the Department in Washington requesting a form. Upon receipt of the form it was then necessary for the applicant to fill out and return it to the Department requesting permission to renounce. Thereafter the regulations called for a hearing to be held, and in practice, as will be said further, that hearing was far fuller than necessary to fulfill the statutory requirements.

In order to determine whether or not coercion existed, I was sent by Assistant Attorney General Wechsler to the Tule Lake Center, at which I arrived on December 5, 1944. On that date I and, through me, the officials of the Department of Justice first learned of the existence of the disloyal groups above referred to. At the outset of my investigation at Tule Lake I arranged to have a hearing room set aside for my sole use and I was assigned a Caucasian interpreter and a Caucasian stenographer by the War Relocation Authority. [86] I first called in and questioned separately about 62 persons who had filled in the typewritten copies of the printed form requesting permission to renounce citizenship, above referred to, and which officials in Washington had feared might indicate coercion. I questioned each of these persons in detail as

to their desire to renounce citizenship, their reasons therefor and the circumstances surrounding the filing by them of the typewritten forms.

Although each person was alone with no other person of Japanese ancestry in the room and although each person was carefully questioned, every person questioned stated without hesitation that it was his or her own wish to renounce American citizenship so as to be solely Japanese. Substantially all of these persons indicated a desire to return immediately to Japan and substantially all of those who were questioned about it stated they desired to see Japan win the war. No one stated that he had been forced to sign the form and most of them stated that they had procured the form through friends. A few of them asserted that the form had been passed out to them by volunteers but that, since they had been trying to get forms from Washington in vain, they regarded this as a helpful service. The names of the persons who had typed the forms were obtained by me and they also were questioned. They admitted typing the forms but stated that they did this to help out friends and others desiring renunciation. They explained that many persons were distressed at the slowness of the Department of Justice in putting the renunciation program into operation and that they had typed the forms to allay the impatience of the prospective renunciants. In the course of this exhaustive investigation, all of which is available in stenographic transcripts, I was able to find no hint of coercion as I understood that term as a lawyer. I did, however, learn of the organizations and did learn that they favored renunciation. I also heard other cases of individuals who wished to renounce for reasons not directly related to loyalty, [87] such as desire to return to Japan with a husband or parent. These considerations are discussed below.

In December 1945 I learned that the young men's patriotic association had procured a considerable number of bugles and that they were conducting exercises each morning at 6 o'clock which were a combination of gymnastics, drilling in formation and patriotic observances. (On the evening of December 8, which was the anniversary of the attack on Pearl Harbor as measured by Japanese dates, a large memorial gathering was held in the center.) The young men wore a uniform at that time consisting of blue work trousers, a white sweatshirt and a white head band. It was estimated by officials of the center to whom I talked that about a thousand young men participated in these exercises each morning. The week-day exercises were engaged in by the young men in small groups and on Sunday at a later hour all the young people would exercise together. In addition to the exercising, they would engage in bowing toward the Imperial Palace and calisthenics which, I was informed, commemorated historic Japanese events and heroes. Much of the calisthenics, furthermore, closely resembled actual military drill.

Because of the obviously undesirable nature of this organization, I undertook to ascertain the identity of the leaders thereof with the view to permitting them to renounce their citizenship first so as to cause them to become alien enemies, at which time they might be apprehended upon alien enemy process and interned in Department of Justice internment camps for alien enemies. In a series of hearings which I conducted in the cases of the leaders I learned that the organization was entirely open in its activities and that it had an office in one of the buildings regularly assigned it, that inside this office the Rising Sun flag was displayed and that there was a sign in Japanese that anyone who spoke English on the [88]

premises would be fined ten cents. These leaders were quite open in stating to me that their purpose was to prepare the young men so that when they should be exchanged they would be prepared to fight in the Japanese Army. They stated to me that they understood that when the segregants had arrived at Tule Lake they had made up their minds to go to Japan and, since they desired to go to Japan, it was only reasonable that they should train themselves to be Japanese.

In order to expedite the removal of the leaders, both of the parent league of pro-Japanese fanatics and of the young men's auxiliary, I prepared a list, by means of interrogation, of all of the leaders in the two groups and then called in each of them. Those who were citizens were asked whether they had applied for renunciation and substantially without exception they had. In every case they voluntarily executed the form for renunciation of citizenship.

On or about December 23, 1944 I returned to Washington and reported to Edward J. Ennis, Assistant Attorney General Wechsler and Attorney General Biddle. On my recommendation the Attorney General approved the renunciation of citizenship of the citizen leaders of the group referred to and authorized the apprehension on alien enemy process of those who had originally been aliens, as well as those who became alien enemies through renunciation. I reported to these officials the existence of the very active pro-Japanese movements in the center. It was agreed that the two organizations must be dissolved and that the measure most likely to succeed was the internment as alien enemies of the leaders. It was further agreed that if additional leaders should be chosen to replace those interned they also should be removed to Department of Justice internment camps.

Attorney General Biddle then directed me to arrange to return to Tule Lake in charge of a Department of Justice mission to handle the processing of renunciation applications. In order that the operation might be carried on as carefully and as intelligently as possible, I was instructed not to rely on persons with merely clerical [89] training but to take with me from Washington trained personnel. I did take from Washington three attorneys from the Alien Enemy Control Unit and one officer from that Unit who was not an attorney but who had been assigned to the Unit only during the war and who was regularly a high career officer of the Immigration and Naturalization Service. In addition, six stenographers and a clerk were dispatched to Tule Lake from various offices of the Department of Justice.

On December 19, 1944, shortly after I had left Tule Lake, Major General H. C. Pratt, Commanding General, Western Defense Command, withdrew the public proclamations and orders of 1942 which had ordered the exclusion of all persons of Japanese ancestry from the West Coast area and permitted all such persons to return to California with the exception only of named individuals who were served with individual exclusion orders. Simultaneously the War Relocation Authority issued an announcement throughout all of its centers that all the relocation centers would be closed within approximately one year or by December 31, 1945. There is a dispute as to whether it was intended by Dillon S. Myer, the Director of the War Relocation Authority, that this be understood at Tule Lake as an announcement that that center would be closed on or before the date set, but there can be no dispute as to the fact that there was an announcement by the War Relocation Authority officials at Tule Lake to

the residents of that camp that it likewise would be closed within one year and that all of the War Relocation Authority staff at that center and all of the persons confined in the center understood that the camp was to be closed within a year. For reasons which will be discussed below, the announcement that the center would be closed within one year coincided with an extremely sharp upswing in the number of applications for permission to renounce citizenship filed with the Department of Justice. The announcement as to the closing of the center was made on December 22, 1944. December 25 fell on a Monday. On December 26 approximately 2,000 pieces of mail were received in the Department from Tule Lake indicating a desire to renounce citizenship. [90]

In the first week of January 1945 I left Washington for California by train with the following hearing officers: Charles M. Rothstein, Joseph J. Shevlin, Ollie Collins and Lillian C. Scott. I devoted a considerable part of the time spent in travel in an endeavor to give these hearing officers as full a background concerning the general problem of the Japanese evacuation as I could. I told them in detail of the agitation arising in 1942, of the fact that there was no evidence of any espionage or sabotage committed by any person of Japanese ancestry either at the time of Pearl Harbor or thereafter. I told them of the hardships caused by the evacuation and of the circumstances surrounding the segregation. I particularly told them that it was my opinion that the loyalty questionnaire had been ineptly handled and that a negative answer to the loyalty question was not necessarily indicative of disloyalty but might be due to mistake, confusion or resentment over the evacuation. I further explicitly told them that it was my own opinion that the entire evacu-

ation had been a tragic mistake due almost entirely to the unfortunate giving way by certain military and other officials of the Government to an unreasoned wave of public hysteria. I further told them that the segregation of 1943 could not be relied on in every case as a positive determination of Japanese loyalty but that it had been in most cases a voluntary choice which in fact might have been dictated by such loyalty or by a number of other factors such as desire to keep a family unit together, resentment at treatment given to United States citizens by their Government, a desire to avoid the draft, etc., etc.

Coming specifically to the task of administering the renunciation statute, I told the hearing officers of the strong pro-Japanese pressure in the center and instructed them to be particularly diligent in endeavoring to detect any sign of coercion. I then told them that, even though they were satisfied that a particular applicant [91] for renunciation might fully understand the nature of the act and at the moment desire to accomplish it, the hearing officer nevertheless was not bound to recommend approval if he felt in the particular case that the subject was not truly loyal to Japan and was imbued with American principles, ideals and culture but was acting because of some unusually difficult family situation or because of resentment at his evacuation and subsequent detention. In such cases the hearing officers were instructed neither to approve nor to disapprove but to dictate a memorandum on the record so that the entire file, the transcript of the hearing and the hearing officer's memorandum might be studied in Washington. With the exception of this instruction, the hearing officers were told that, as a legal matter, all that was necessary was for the applicant to come before the officer, satisfy the officer that he understood what he was

doing and wished to do it and then sign the renunciation form. Nevertheless fuller and more careful hearings were desired. The purposes of these hearings, they were told, were threefold:

First, to explore every possibility of coercion. If any sign of coercion were noted, the applicant was, of course, not to be permitted to sign the form.

Second, to determine whether there was any group which, although voluntarily renouncing, nevertheless was so clearly pro-American and so clearly acting solely out of bitterness that some change in the regulations or in the statute should be considered.

Third, to obtain information concerning the entire problem of the administration of the Tule Lake Center since at that time it was thought not unlikely that the center would be transferred to the Department of Justice to administer.

With respect to the general issue of coercion, I specifically explained to the hearing officers that renunciation, as any other legal act, would be coerced and hence void if it were done under imminent [92] or immediate threat of physical injury to one's self or to a member of one's family. I gave this definition of the legal concept of coercion and went further to say that if there was any indication whatever in any case that renunciation was being made under any threat at all without regard to its imminence, the applicant for renunciation should not be permitted to sign the form and that the matter should be reported to me for further consideration. I said further, however, that the law gave every citizen of the United States in time of war a right to renounce his citizenship subject only to the proviso that, if it affirmatively appeared that such

renunciation would be contrary to the interests of national defense, then the Attorney General might disapprove the renunciation. For that reason it was not legally relevant to determine the ultimate motivation which might lead a renunciant to abandon his citizenship beyond the determination that he understood what he was doing and at that moment desired to do it. I said that many motivations other than ultimate loyalty to Japan might be at work and that, for example, persons might renounce because they believed that all aliens would be repatriated at the end of the war and because they desired to remain with their alien parents. A renunciant might renounce because he was the eldest son and, as such, was responsible for the family property in Japan. Renunciants might abandon their citizenship because their parents feared that otherwise they would be drafted or forced out of the Tule Lake Center. I said that these reasons were not grounds for determining that renunciation was coerced and that an intentional act of renunciation free from fear was as valid if done for the motive of remaining with a parent as if done out of the truest loyalty to Japan. I stated to the hearing officers that the legal act of renunciation was comparable to the legal act of marriage and that a renunciant had legal capacity to renounce even though he was not loyal to Japan, just as a man or woman might [93] have legal capacity to marry even though not devoted to the proposed spouse. In conclusion, I repeated to the hearing officers the instructions given me by Assistant Attorney General Wechsler which were to the effect that the duty of the hearing officer was comparable to the duty of a careful and humane judge in accepting a plea of guilty and that just as a judge will accept a plea of guilty if he is satisfied that the accused understands

the nature of the charge and the nature of his response thereto and is not in fear of injury either to himself or to a member of his family without regard to what reasoning leads the accused to make the plea, similarly the sole legal issue before a hearing officer was whether renunciation was a voluntary and comprehended act.

The Department of Justice mission arrived at Tule Lake on January 11, 1945. A special office building outside of the inner fence of the center was made available which consisted of a large waiting room, five hearing rooms and a stenographer's room. The War Relocation Authority made available to the mission two Caucasian interpreters, both of whom were women who had served as school-teachers in Japan. The mission was also assigned one guard in the building and another guard to drive renunciants in an automobile from the gate to the building. The procedure which was followed was that the Department of Justice staff would, from the list of persons who had applied for permission to renounce, prepare a calendar or schedule of persons to be heard 24 hours in advance. This list would be given to the internal security officers of the War Relocation Authority. They would inform the applicants that their cases would be heard on the following day at an approximate time. Each applicant would then present himself at one of the gates and in course would be let through the gate and driven by automobile to the hearing building. He would then come into the waiting room and would be given a number by the clerk. When his turn came he would be escorted alone to one of the hearing rooms where there would be present the hearing officer, the stenographer [94] and, if necessary, one of the Caucasian interpreters above referred to. With the exception of a few cases where women found it necessary

to bring children with them, no person of Japanese descent other than the renunciant was ever permitted in the hearing room. On a few occasions more than one hearing officer would be present during a hearing and in at most twenty cases out of the more than 5,000 hearings held an anthropologist employed by the War Relocation Authority, Dr. Marvin Opler, was present. So far as I am aware, no other employee of the War Relocation Authority was present at any hearing. Although the lengths of the hearings varied from a few minutes to more than an hour and although the line of questioning was varied, where there was no particular information desired by the hearing officer for policy or security reasons and where the case appeared usual, the practice was for the hearing officer first to obtain the necessary statistical facts, such as name, place of birth and the like, from the renunciant and for the officer then to show the renunciant his application for permission to renounce. In each case the officer inquired whether the signature was that of the applicant and then asked the applicant why he had signed it. He was then asked in each case whether he signed it of his own free will or whether he had been instructed or ordered to sign. There then followed a period of questioning designed to explore the renunciant's reason for desiring renunciation, both in an effort to detect coercion and to make sure that the legal effect of the act was clear. When this examination was complete the renunciant would be shown the final form and asked whether he understood it. If he did, he would be shown where to sign the form and once more told that it was his own choice and that no one could require him to sign. He was also told that if he did sign he would forever cease to be an American citizen or to be entitled to any of the rights of citizens and that he would in all probability be returned to Japan

at the close of the war. He was further told that if he did return to [95] Japan he would in all probability never be allowed to return to the United States. When these matters had been made clear the hearing officer would either endorse his recommendation of approval of the renunciation as not contrary to the interests of national defense or, in a few cases, would dictate a memorandum indicating that the case should be further reviewed in Washington. Although in the cases of three Japanese accorded renunciation hearings in Hawaii and three or four cases of persons not of Japanese ancestry and having no relation to the instant cases, the Attorney General has authorized renunciation hearings to be held by other officers, no person of Japanese ancestry has ever renounced his citizenship in the continental United States before any hearing officer other than affiant, Charles M. Rothstein, Joseph J. Shevlin, Ollie Collins or Lillian C. Scott. Every renunciation hearing conducted by any of these persons followed the general pattern stated here. Every renunciation hearing was taken down by a stenographer and, to the best of my knowledge and belief, was transcribed and the transcript is contained in the files of the Department of Justice.

In no hearing which I personally conducted was there any evidence or indication whatever of coercion or duress. In no hearing which was ever reported to me by any of the above named hearing officers or by anyone else was there any such indication. To the best of my knowledge and belief there was no claim of duress, as that term has ordinary legal significance, in any of the more than 5,500 renunciation hearings conducted at Tule Lake. In about two hearings conducted by me and in a few others of which I was told, the applicant stated that he did not in

fact desire to renounce. In each such case the applicant was not given the final form to sign and the hearing was forthwith terminated.

Upon my return to Tule Lake early in January 1945, I at once observed that the tension among the persons confined in the center had greatly increased since the middle of December and that the situation [96] generally had deteriorated. The activities of the openly disloyal persons were more flagrant and the demand for quick renunciation had increased. Prior to my arrival, an announcement had been published in the center newspaper to the effect that applications for permission to renounce and correspondence with the Department concerning renunciation might be addressed to me at Tule Lake. By the time of my arrival, over 1,000 pieces of mail had been addressed to me registered mail, return receipt requested, at the center from persons confined therein, thus causing a temporary breakdown in the postal system. While some of these were merely requests for application forms or application forms themselves duly filled in, many of these thousand pieces of mail contained requests to be heard out of order and in advance of others. Substantially all of these letters were courteous in tone but insistent as to the writer's urgent desire to become a renunciant and to abandon United States citizenship. In addition to these registered letters, very many other pieces of mail were addressed to me at the Tule Lake Center at this time.

I learned that the disloyal young men's organization had increased its activities and had promulgated a rule that its members should shave their heads. Although all of its officers had been removed to an internment camp in New Mexico on December 27, 1944, by early January the entire hierarchy of officers had again been filled, which

involved fifty individuals. The hierarchy of officers of the older disloyal organization had also been replaced. In addition to requiring shaven heads, the young men's organization had now embroidered a Rising Sun on the breast of the white sweatshirt which constituted a part of the uniform. In conjunction with the Rising Sun, there were stenciled some Japanese characters in black ink which represented a patriotic slogan. The patriotic exercises were being conducted more regularly and, on the first Sunday after I returned to Tule Lake, the young men's organization, having learned in which part of the administration quarters I was living, arranged to hold its Sunday [97] ceremonies, complete with a corps of buglers, at that point of the fence nearest my room.

At this time I also learned that the older disloyal organization had for sometime been putting out a paper in Japanese having as its title a word which can be translated approximately as "fatherland." This paper, which was mimeographed at regular intervals, contained much material glorifying the Japanese Army in its war aims and asserting loyalty to the Emperor. One article referred to the war between the United States and Japan as a holy war.

At the time of my second return to Tule Lake, the young men's organization prepared and furnished me a list which purported to be its membership list. During the succeeding weeks substantially everyone whose name appeared on the list was questioned and substantially each person on the list admitted his membership and his adherence to the principles of the organization. Substantially every person on the list appeared before the hearing officers dressed in the sweatshirt already described having the Rising Sun stenciled on the breast. Each such person had his head

shaven and the hearing officers were informed, whenever the question was asked, that the shaven head was the symbol of the Japanese soldier. In a few cases it was established that there was a mistake in names and in a number of other cases it was stated that the member had resigned. In no case, however, of which I have knowledge did the renunciant assert that his name had been placed on this list because he had been coerced or forced in any manner to join the organization. On a number of occasions persons stated or wrote in indicating that they had resigned from the organization and the files of the Department of Justice contain at least five letters from the officers of the association informing the Department of Justice mission of deletions from the membership rolls due to resignations. In no case of resignation was it suggested in any manner that any harm was inflicted on the resigner. [98]

Since it was deemed important to minimize the influence of the disloyal organizations and to terminate military drilling in a species of uniform preparatory to service in the Japanese Army, it was at once determined that the entire second list of officers of both organizations should be removed and interned as soon as practicable. Accordingly, the hearing officers set about giving hearings to this second group and, pursuant to an approval of renunciation by the Attorney General and authorization of apprehension, the second group of officers was removed to Department of Justice internment camps on January 26, 1945. Thereafter, and with substantially no delay, a complete third slate of officers was elected and the Department of Justice was informed at this time that the organizations contemplated continuing to elect officers so long as the Department of Justice continued removing

them. Since the organizations had by now survived the removal of two complete sets of leaders, it became evident that they had broad support and were not the work of a few fanatics. It was, therefore, determined, after telephonic consultations conducted by me with my superiors in Washington, that the entire membership of the militant young men's organization should be removed and the hearing officers were, accordingly, directed to hear first the cases of persons on this list. About 650 members of the organizations were removed on February 11, 1945 after processing as described above, and about 125 more were moved on March 4, 1945. By this time all the leaders and all the members who were active members on the list furnished in January 1945 had been removed. In addition, several sets of the leaders of the older disloyal organization had been removed, as well as the writers for the "fatherland" magazine above described, the teacher of the Greater East Asia School, teachers at a number of other Japanese Language Schools who had been found to be active in pro-Japanese propaganda, and a number of Buddhist priests who had been active in propaganda. It was hoped that at this time when the leadership of the [99] pro-Japanese group had been removed that there would be a substantial withdrawal of applications for renunciation. This movement did not take place, however, and substantially everyone who applied for renunciation went through the process which continued for sometime after the last of the leadership group had been removed. It would be incorrect, however, to state that all of the members of the young men's group were removed since, as renunciation was only permitted for boys and men of the age of 18 or over, younger boys who remained took up when their older brothers were removed and blew the bugles and drilled for Japan. Similarly, since no women

were removed, a woman's organization was started which joined the boys in Sunday morning drilling.

The statute authorizes the Attorney General to disapprove renunciation only if it appears contrary to the interests of national defense. The Army had determined that it would not accept any men from the Tule Lake Center and the Selective Service System at the time of the hearings was making no effort to induct any males of Japanese descent from the center. It thus appeared that there was no problem of national defense in any of these cases and, indeed, in no case did it appear that the interests of national defense required disapproval and, therefore, there was no case in which the Attorney General could properly have disapproved renunciation on any ground providing that it was uncoerced and understood. The residents of the center, however, failed to understand this and believed that there was some discretion or option lodged in the hearing officers. For this reason they appeared most anxious to persuade the hearing officers of the necessity of permitting their renunciation and, to do this, they made extreme claims of loyalty to Japan. Because of this it frequently became impossible to conduct a frank and free examination of the renunciant's state of mind and became useless to ask many questions which would otherwise have been of interest. For example, it was observed that if the renunciant were asked his opinion of the Emperor he would usually, if not always, leap to his feet and stand at [100] rigid attention and then assert that he regarded the Emperor as the Living God. Similarly, substantially every renunciant who was asked stated that he believed that Japan would win the war and that he hoped for this result. Although this tendency of the answers to become stereotyped in an effort to persuade the

hearing officer of the active disloyalty of the applicant, the hearing officers in every case were able to ask enough questions to make sure that the applicant understood the nature of renunciation and that it was the applicant's desire not only to sign the application form but to persuade the officer that the applicant was actively disloyal to the United States and that his application should, accordingly, be approved.

On the occasion of my second trip I remained in Tule Lake for nearly three weeks. During this time I arranged the procedures and conducted some hearings myself. A great deal of my time, however, was spent in discussing with various officials of the War Relocation Authority and of the Army detachment there the reason for the very great rush of persons to renounce. Estimates as to the number of persons who would renounce had been made prior to the enactment of the statute by various officials ranging between 500 and 2,000. Even during my first trip to Tule Lake in December 1944, it was not expected by anyone that, of the 7,000 citizens over 18, over 5,000 would renounce. Yet this number of applications for renunciation flooded in at the time of my second trip. This caused concern both in Tule Lake and in Washington and I devoted considerable effort to endeavoring to understand the reasons for this development since it was hoped that in some way this flood might be stopped and some of those persons who were not in fact disloyal but merely disgruntled might be dissuaded from throwing away their citizenship. Accordingly, I talked at great length with Mr. Ray Best, the Director of the center, Mr. Louis M. Noyes, the War Relocation Attorney at the center, the Chief of the Internal Security Guard, to many of the guards [101] themselves, to the Colonel command-

ing the troops stationed immediately at the camp gate, to his security officers and to many other experienced persons at the center. I also talked to the head of the War Relocation Authority's regional office in San Francisco and, upon my return to Washington, I talked to Mr. Myer, the Director of the War Relocation Authority, and his subordinates. At Tule Lake I particularly talked also to Dr. Marvin Opler, an anthropologist who was employed by the War Relocation Authority as what was called a "community analyst", whose job was solely to gather social information concerning the community and to report on community trends. On this job he had a staff of persons of Japanese ancestry living in the community and reporting to him on developments. I also talked to ministers and social workers and doctors and to Miss Rosalie Hankey, an anthropologist employed by the Evacuation and Resettlement Study under the auspices of the University of California and who, not being a Government representative, was able to talk to the residents of the center and to meet less reserve and resentment. Both in Tule Lake and in Washington, in addition, I read many of the reports filed on Tule Lake from sometime prior to the commencement of the renunciation hearings up to and including that period.

Although the opinions of the various officials and others differed widely as to the social considerations leading to renunciation and as to the proper policies to pursue, no official at this time ever stated or suggested to me in any way that coercion, as that term has been understood in the law for centuries, was a factor of any significance. It was the universal opinion that the population of the Tule Lake Center, consisting as it did of 18,000

persons taken from their normal homes and occupations, and placed in a wired-in area of about six square miles of black volcanic ash, and living in uncomfortable black tar-paper barracks, under a pall of black smoke in winter and ash and dust in summer, with wholly inadequate occupation to keep them busy, and with substantially no effective control by the Government as to what activities [102] were carried on inside the fence, had become highly emotional and excited. It was universally agreed that the rush toward renunciation was illogical and unreasoned and that many of the young men who were now marching up and down between the barracks with the Japanese emblem stenciled on their sweatshirts had been, before the war, loyal American citizens and that the asserted loyalty to Japan was often a kind of hysteria. It was a commonplace witticism among the officials of the center at the time of these hearings that the population of the center was largely mad and that the center might properly be taken from the management of the War Relocation Authority and transferred to the Public Health Service to be run as a species of mental institution. All of the discussion and speculation as to the reason for the unforeseen volume of renunciation related to the reason for this hysterical public behavior and none of it related to coercion and it was never suggested contemporaneously in any way that it might be due to coercion.

It is true that there were extensive rumors of the use of force within the center. During the summer of 1944 one person of Japanese ancestry who had been prominent in assisting the administration was murdered and this murder was not solved. While it was believed by some that the motive for the murder was disapproval of dece-

dent's prominent pro-administration activities, Mr. Best informed me that the most probable explanation was that the man was murdered because of improper relations with another man's wife. In addition to this, there were a number of stories of beatings and of threats thereof. These, however, related to struggles for political leadership and did not relate to private behavior. Thus, there is no doubt but that, had strong leadership arisen contrary to the leadership of the young men's organization and opposed to renunciation, the struggle as to who should lead the young men might have led to the use of physical force. At no time while I was at Tule Lake, however, was it suggested to me by any one that physical force or its threat was being employed against persons who did not aspire to leadership but who [103] merely themselves did not desire to renounce. In this connection it may be recalled that about 1,500 persons eligible to renounce did not do so and that many persons openly resigned from the disloyal organizations and yet no record of physical violence in connection therewith came to the attention of the authorities. What is said here concerning my observations and conversations with persons familiar with the Tule Lake scene relates with equal force to the reports filed with the War Relocation Authority by officials at Tule Lake and reviewed by me for the Department of Justice. Not any of the contemporary reports which I have seen assert that coercion was a significant factor in renunciation.

At the end of January 1945 I left Charles M. Rothstein in charge of the Department of Justice mission at Tule Lake and returned to Washington and again reported in full to my superiors describing especially the mass hysteria prevailing among the residents and the fanatical expres-

sions of loyalty to Japan which followed it, as well as the great number of persons seeking to renounce. At this time some discussion was had as to possible measures to prevent renunciation at that time, such as the suspension of hearings, but it was the ultimate determination of the responsible officers of the Department that Congress had provided that persons who in time of war desire to renounce their citizenship may do so provided only that the Attorney General might disapprove if he found that the renunciation was contrary to the interests of national defense. It was decided that since no such consideration existed in the present cases the Department of Justice was without authority to proceed otherwise than to carry out the law and to permit renunciation by all persons who understood what they were doing and wished to do it. Although it was felt that there was a state of great excitement among the residents, nevertheless it was thought that that excitement was not of a character (such as insanity) which could be given legal effect. With respect to those cases previously discussed in which the hearing officer felt that the renunciant was in fact [104] Americanized and was acting solely out of resentment at evacuation or some similar motive and in which the hearing officer desired that a further review as to policy be conducted in Washington, a disagreement arose among the responsible officials and no decision was made at that time as to the disposition of the cases, and they were merely set aside. These cases were not acted on before Attorney General Biddle and Assistant Attorney General Wechsler left the Department and, in fact, had not been acted upon as of the date of my leaving the Department, June 3, 1946.

Following my departure from Tule Lake, Charles M. Rothstein continued to receive renunciations until the list

was completed on March 17, 1945. A number of renunciation applications came in thereafter from Tule Lake and Mr. Rothstein again went there in July 1945 and held additional hearings. Although additional persons deemed undesirable by the War Relocation Authority were interned at the request of that agency by the Department of Justice during June and July 1945, the Department of Justice had completed its removal of disloyal persons it considered troublemakers by March 4, 1945. Thereafter, there was substantially no move to withdraw or cancel renunciation until June 1945, in which month a number of applications came in. None of the first applications asserted that the renunciation had been made under coercion but appeared to assume that, since renunciation was a voluntary matter, its cancellation would likewise be. Form letters were written to such persons explaining that it was not within the power of the Attorney General to restore citizenship once lost through renunciation and that the renunciation itself was valid because it had been made in the absence of coercion and with a clear understanding of what was being done. Thereafter, the tenor of the letters seeking cancellation of renunciation changed and careful statements concerning coercion were made in many of them. In this connection it was noted that persons who at the time of their hearings could speak little or no English and who, according to the files of the Department of Justice, had substantially no American education, at [105] this time appeared as the purported authors of letters containing arguments previously advanced by members of the War Relocation Authority staff or by members of the families of that staff couched in English to be expected of educated persons.

Although 3,557 persons are plaintiffs in the instant suits or have otherwise now indicated a desire to withdraw their renunciation of citizenship, as of the sixth day of August, on which the atom bomb was dropped on Hiroshima, very few had written to the Department of Justice indicating a desire for withdrawal, and even the Japanese surrender did not start the great rush away from renunciation. Thereafter, however, counsel for the plaintiffs arrived at Tule Lake in person and was retained by some of the plaintiffs herein. This set off a chain of reactions said by competent observers to be closely parallel to the rush toward renunciation in December 1944 and January 1945. Groups were set up to encourage persons to join in the suits and much the same social rush to be listed as a plaintiff in the instant group of suits arose as previously had arisen to be listed as a renunciant.

As has been said, none of the contemporary statements made by responsible War Relocation Authority officials at Tule Lake indicated a belief that coercion was a significant factor in renunciation and none of the contemporary reports which I have seen indicates this. It came to be the opinion of some of the persons in the War Relocation Authority, however, in the spring and summer of 1946 that coercion was a factor although it is not clear that these persons also understood what the word "coercion" means in contemplation of law. The development of this opinion held by officials not responsible for the conduct of the hearings and who, with one exception, did not attend any hearings may be viewed in the light of the fact that at the time of the hearings and thereafter until the cessation of hostilities it was believed by all responsible officials of the Department of Justice that all renunciants would have

to be detained for the duration of the war and that they would thereafter [106] be repatriated to Japan. This belief was communicated to Dillon S. Myer early in the program and he and his subordinates strongly disapproved of it, feeling that it would be possible and desirable to relocate renunciants in the United States at an early date. This and other differences of view between the War Relocation Authority and the Department of Justice gave rise to a disapproval by the War Relocation Authority of the renunciation program generally and, when it became apparent that the only way in which renunciation could be set aside was by proof of coercion, it came to be thought by some members of the War Relocation Authority's staff that the renunciations had been coerced. At the time that this view was formulated, a parallel view was expressed in parallel phraseology by persons of Japanese ancestry desiring to set aside renunciation.

A letter to a private citizen signed by Mr. Abe Fortas, then Under Secretary of the Interior, has been annexed to a pleading in this case* and has been stricken as improperly pleaded. This letter, of which Mr. Fortas has assured affiant he has no present recollection or knowledge, contains a statement that the very high percentage of renunciations among those eligible to renounce was brought about by the disloyal organizations, hereinbefore described. This statement contains a major ambiguity. It might mean either that the organizations forced or coerced the renunciations or that they crystallized a spirit of loyalty to

*Note: This reference is to the consolidated Tule Lake case, pending in the Northern District of California (*Tadayasu Abo, et al. v. Clark, et al.*, Cons. No. 25294-S), in which this affidavit has been filed and for use in which it was originally prepared.

Japan and disloyalty to this country which led to renunciation. If the letter is given the first meaning, then it is at variance with all of the contemporaneous statements made by the War Relocation Authority's own staff on the scene and all of the contemporaneous reports of that staff insofar as affiant is familiar with them. It is also at variance with the experience of the hearing officers who in fact conducted the hearings and which is recorded in more than 5,000 stenographic transcripts of hearings. If, however, the statement is given the second meaning, then the letter is not very far from correct since the organizations [107] unquestionably had an important place in whipping up sentiment in favor of Japan and in favor of renunciation. The crystallization of sentiment in favor of an ideal, however, is a far cry from legal coercion to do a specified act. By way of illustration, it may be said that the churches of the various denominations throughout the nation are unquestionably a major source of devotion to religion, yet no one would suppose that ministers and priests coerced the members of the congregations into church attendance. Based on many extensive observations of conditions at Tule Lake, it is my belief that the organizations played an important role in providing leadership for Japanese patriotic sentiment. It is my belief that this is substantially the only relevant function performed by the organizations. Their members may have used force to maintain control of their own organizations. They did not use force to augment their membership. In concluding this section of the affidavit, it may be pointed out that Mr. Fortas has not only never conducted or attended a renunciation hearing, but, insofar as the affiant is aware, has never been within the gates of the Tule Lake Center.

It is asserted in the amended complaint that the Commanding General, Western Defense Command, affirmatively found as a fact that each renunciant at Tule Lake was loyal to the United States and presented no threat to the peace and security of the United States. The basis of this argument presumably is that on December 19, 1944 he lifted the general ban on all persons of Japanese ancestry within the Pacific Coast area and excluded only specific persons by individual orders, that he did not serve individual exclusion orders upon renunciants and that, therefore, he found them safe to permit back upon the Coast. It is within my personal knowledge that this argument is fallacious and that no such finding was made by the Commanding General. At the time that the Commanding General determined to reopen the Pacific Coast area to all except individually-named persons of Japanese ancestry, he determined to prepare a list of individuals as to whom there was information [108] sufficient to form a basis for the judgment that that individual should not be permitted to return. This was to be done by means of transferring all of the security information which had been secured from various Government agencies and filed in the headquarters of the Western Defense Command at the Presidio in San Francisco into punched Hollerith cards and to determine in advance what security information was sufficient to warrant the preliminary classification of individuals as excludable. The list was then to be prepared mechanically. Persons on such a list were then to be given hearings by Boards of Officers and recommendations were then to be made to the Commanding General and the decision was to be made by the General personally. At this time a request was received by me for the Department of Justice from officers of the Commanding General's staff for lists of all persons who had

applied for permission to renounce their citizenship. It was contemplated that this information would be placed on the cards and that each individual who had made such a request would automatically be placed on the exclusion list. I did not furnish the information at that time but subsequently after discussion with Attorney General Biddle and Assistant Attorney General Wechsler, I called upon Brigadier General Wilbur, Chief of Staff, Western Defense Command, and assured him that the Department of Justice would cause the internment of every person of Japanese ancestry who renounced his citizenship for the duration of hostilities and that,, accordingly, no military problem existed since no renunciant would be at liberty within the United States. For this reason, the General agreed to withdraw the request for names. This inter-departmental agreement was on several occasions renewed by my superiors and it was at all times explicitly understood, both in the Western Defense Command and in the Department of Justice, that the sole reason why exclusion orders were not issued to the renunciants was that an exclusion order was not necessary since they would be excluded by the Department of Justice by the fact of internment. [109]

Not only did the General not consider applicants for renunciation eligible for return to the Coast during war-time but also he contemplated preparing a list of all such applicants and some citizens in addition and recommending to the Attorney General that persons whose names appeared thereon be detained during hostilities. It was only as a result of the agreement to detain all renunciants that the General was persuaded to refrain from recommending the detention of a larger list of persons including many citizens.

As has been stated, affiant is of the opinion that there were many motives which lead to renunciation. The most obvious one was a genuine disaffection with the United States and loyalty to Japan. As has been said, there were 2,000 or more Kibei who had been brought up entirely in Japan and who had no experience with American life whatever. Particularly in view of the sentiment of the population of the coastal states regarding persons of Japanese ancestry which prevailed during hostilities, it is not surprising that many Kibei felt that they had no chance for life in the United States and that they might as well return to the country to which they were accustomed. Feeling that, it is not surprising that sentiments of loyalty to the country to which they were bound, both by ancestral ties and by cultural and educational ties, sprang up. In addition, it may be remembered that over 100,000 persons were evacuated and that generally those who were most loyal to Japan were distilled out into one group. The loyalty questionnaire of 1943, the segregation hearings and segregation itself had had some tendency to separate out from the general group those who were disloyal. This separating process had continued at Tule Lake and it would not be surprising if out of the 100,000 persons of Japanese ancestry evacuated, some 2,000 or more, including Kibei, genuinely felt loyal to Japan. Granted the existence of a nucleus of Japanese loyalty, it is furthermore not surprising that agitators and leaders acting in what was for all practical purposes a concentration camp managed to instill and fan [110] sentiments of Japanese loyalty in young men who had been brought up in American schools to believe that all men, including themselves, were created equal, only to learn that this principle of the Declaration of Independence did not apply to them.

Although feelings of loyalty to Japan undoubtedly were important, it is affiant's opinion that by far the most significant cause of renunciation viewed from the point of view of numbers was the announcement to which reference has already been made that the center was to be closed within one year. It should be recalled that the War Relocation Authority gave printed statements to all persons arriving at its center in 1942 that the centers were to be available as shelters to their residents throughout hostilities. In 1943 the War Relocation Authority went further in relation to Tule Lake and informed segregants that they could find a home there until they could be returned to Japan. The attitude of many of the Tule Lake residents prior to the closing announcement was that they had been asked by the Government to decide whether they wished to be relocated in the United States or to be sent back to Japan when practicable and that they had decided in favor of a future in Japan. Their attitude further was that, having made that decision and having accepted the stigma of disloyalty, they had rendered themselves incapable of returning, particularly during wartime, to life in the United States outside of a War Relocation Authority center. Although prior to the lifting of the general ban the residents of Tule Lake were in fact detained there by barbed wire and sentries and although the lifting of the ban meant that all those not specifically named for detention were free to go out, there was no demonstration of a sense of joy at this sudden freedom but, on the contrary, there were wide-spread expressions of dismay and anger and very few did leave for some months. When this announcement was followed immediately by a further announcement that the center was to close within a year the utmost dismay was created since it appeared that those

persons would be forced out into the general [111] community of the West Coast during hostilities branded as disloyal and with no place whatever to go. It should be noted that at the time of the announcement the war with Japan was still in process, and there was no clear indication that it would be over within a year. It is the opinion of affiant that it was this announcement made on or about December 20 which led to the great rush to apply for renunciation which reached the mail rooms of the Department of Justice on December 26th.

It is relevant to point out that the notice that the War Relocation Authority centers were to close in a year caused concern not only at Tule Lake but elsewhere. Distress over the center closing program was created in the other centers and in February 1945 delegates from all the centers met in Salt Lake City, Utah and adopted resolutions calling for the rescission of the closing order. Strong pressure from residents of the centers to induce the Government to keep the other centers open continued until the surrender of Japan.

Upon my second arrival at Tule Lake in January, I at once observed that the threatened closing of the Tule Lake Center was having the effect described and I, therefore, conferred with Mr. Best, the Director of the center, who agreed and both of us reported to our superiors recommending a withdrawal of the announcement. The War Relocation Authority, however, did not do this but instead announced that the center would not be closed within one year, that residents could remain at the Tule Lake Center or some similar center until January 1, 1946 and that plans for a segregation center beyond that date had not been completely worked out. At this time a rumor became wide-spread in the center that the Department

of Justice would operate the segregation center, if any, which was to be kept open after January 1, 1946. Since the Department of Justice was thought to have authority only to operate internment camps, it followed that, in order to remain in a camp, it would be necessary for one to become subject to internment as an alien enemy. It is affiant's opinion that about half of all renunciations are [112] attributable to this factor alone.

A related factor is that of the draft. Whatever the loyalty of the citizen children may have been, it cannot be doubted that many of the alien parents who in 1943 determined to take their children back to Japan at this time felt loyal to that country. Understandably, they were most concerned over the possibility that their sons might be drafted into the American Army, particularly in view of the very heavy casualties encountered by the widely publicized Japanese-American combat organizations in Italy. The announcement that the center might be closed and the lifting of the general ban on persons of Japanese ancestry gave rise to a rumor that men of draft age were once more to become subject to induction. It is affiant's belief that a very considerable number of renunciations came about either because the renunciant himself feared he would be drafted if he did not renounce or because his parents persuaded him to renounce because they feared that result.

Another feature of great importance is family loyalty. As has been said, a rumor was in circulation that all aliens at that center were to be repatriated. There was substance to this rumor to the extent that most of the aliens had gone to or remained at this center as a result of requests for repatriation. It was believed by many officials

of the Department of Justice and of the War Relocation Authority that repatriation of this group of aliens would be ordered after the war. In addition, an announcement by the Japanese Government looking to additional exchanges during the war was published in the middle of January 1945 in the newspapers which freely circulated in the center. Aliens who expected to be repatriated, therefore, were concerned over the possibility that their American citizen children might either be drafted or forced to relocate in the United States and that they might forever be separated. The idea was circulated that, since aliens were to be repatriated, they would be interned by the Department of Justice and permitted to stay in some camp, whereas citizen children would not be interned, which again [113] would work a separation. On the other hand, renunciation would put all members of the family in the same group and thereby avoid this danger. In this connection it may be said that many authorities believe that family ties and filial obedience are unusually strong in Japanese culture. Those citizen children who had become sufficiently Americanized not to feel this tie had either caused their parents not to accept Tule Lake in the first place or had left their parents and had relocated. By and large, it was those children who were more dependent on their parents who had gone to Tule Lake and it is not surprising that to some extent it was they who accepted parental instructions to renounce in order to preserve the family unit. Pressure for renunciation was particularly strong in the case of eldest sons who, in Japanese culture, are responsible for caring for the parents and maintaining the family. If parents believed that they would be repatriated, this would constitute an additional reason for the son's renouncing his citizenship.

It is also affiant's opinion that in the case of any citizens who expected to go to Japan to live permanently renunciation was thought desirable in order to have a record of pro-Japanese loyalty and activity with which to establish oneself in Japan.

A further factor which increased the fear of forcible expulsion from the camp and also increased determination to go to Japan was the exaggeration of reports of atrocities committed against persons of Japanese ancestry returning to their pre-war West Coast homes. In addition to those incidents which did in fact occur, there were numerous rumors, circulating in the camp, of families burned alive in their houses, and the like.

Another factor was a sense of pride in consistency and in determination to adhere to a decision earlier made. Although it is generally agreed that the loyalty questionnaire of February 1943 was submitted to and filled out by the occupants of the centers in conditions of great confusion, nevertheless affiant believes that some who answered [114] in the negative felt that having publicly adopted that position they would lose prestige by failing to adhere later to a pro-Japanese position.

Lastly, it is affiant's opinion that an entirely irrational mass hysteria activated the people to a very great extent. There were in the center 18,000 persons with wholly inadequate work or occupation, living under not cruel but certainly unpleasant circumstances. The center had no dividing fences or walls and the people were free to do substantially whatever they liked within the outer fence, which had a perimeter of over five miles. While there were Caucasian staff members in the center during working hours, there were substantially no staff members inside the fence during the evening and at night and during Sunday except a few guards patrolling in automo-

biles. Although there was some entertainment, there was not much. These people had been in detention for 2½ years and inside the Tule Lake fence for more than a year. Although they had access to newspapers and magazines, to a very great extent these were disbelieved as American propaganda. Rumors of the most foolish or fantastic nature circulated widely and were given wide credence. For example, during these hearings it was generally believed that General MacArthur was being permitted to advance into the Philippines so as to entrap his Army and most of the fleet. When this General broadcast from Tokyo following the surrender, the fact that he was in Tokyo was cited as evidence not that Japan had surrendered but that the General had been taken prisoner. When in October 1945 the Military Police were withdrawn from the center and the duty of guarding it was transferred to the Border Patrol of the U. S. Immigration and Naturalization Service, the rumor was that at noon on that day the American flag was to be run down on the flagpole and the Japanese Army, which was marching southward from the Columbia River, would march in and hoist the Rising Sun. Given all these social conditions and a group of 18,000 substantially idle persons, most of whom had suffered racial discrimination for years and who had just been the victims of what must [115] have appeared to them as the most outrageous incident of racial discrimination in American history, it was foreseeable that a state of very great emotional excitability would be created. Given further a nucleus of genuinely pro-Japanese leaders, it seems, at least in the light of hindsight, also foreseeable that this group could be whipped up into a sort of hysterical frenzy of Japanese patriotism. In fact, it was to be expected that boys from 18 to 20 having little or nothing to do would adhere with

great fervor to some cause and, since the cause perforce was Japanese, it was expectable that they would shave their heads to emulate Japanese soldiers and wear a uniform with the Rising Sun on it and engage in drilling and Japanese ceremonial exercises. Indeed, these Japanese patriotic activities carried on by these persons behind barbed wire fences may be likened to a very high degree to the hysterical "yammering" which sometimes occurs in ill-run prisons.

In view of the fact that, of the more than 5,000 persons who received the careful hearings above described, not one asserted that he was being coerced into renunciation, in view of the fact that no incident relating to coercion came to the attention of the Department of Justice mission which was explicitly instructed to be on the alert to observe any such incident, and in view of the fact that no Government official in any department asserted that coercion was a significant factor until months after the fact and, finally, in view of the fact that no important volume of withdrawal of renunciations took place until the outcome of the war was a moral certainty, affiant is of the opinion that substantially none of the renunciations was brought about due to coercion in the sense that the renunciant did not wish to renounce his citizenship but nevertheless signed the form because he was afraid that if he did not physical injury would be inflicted upon him or upon his family. Affiant is further of the opinion that substantially no renunciation took place because of any kind of threat or intimidation other than parental instruction. [116]

It is patent, however, that all renunciants at Tule Lake were confined in a concentration camp at the time they renounced. Realistically, either they or their parents had chosen to go there, but nevertheless, at the time of that

choice, they had been in another concentration camp. The only choice was whether to remain in a relocation center with the hope of relocation in a part of the country other than that where their home was or to proceed to the Tule Lake Center for segregation during the war. It is also true that no court has ever passed upon the constitutionality of detention at Tule Lake. It is also patent that there was existing at Tule Lake at the time described a very high degree of excitement whipped up by organizations admittedly extremely pro-Japanese. It is also true, as has been stated, that most of the renunciations took place at the time when the renunciants and their families were in extreme fear of being forced out of the center into a hostile community and when they believed that the only way of making sure of protective detention during the war was to make themselves eligible for Department of Justice internment. If these factors and this hysteria render the act of renunciation by persons detained under these circumstances void, then the renunciations are void. If the court is now to hold that the totality of the circumstances described in this affidavit constitutes coercion, then these renunciations were coerced. If, however, the court rules that if a man or woman, of whatever race and however badly treated by the community, refuses to assert his loyalty in 1943, and, in practical effect, voluntarily accepts segregation and thereafter applies in writing for permission to renounce his citizenship and still thereafter files a second form asking for permission to renounce and still thereafter appears before a hearing officer and asserts loyalty to Japan and disloyalty to the United States in time of war and, in the absence of any fear of immediate injury to himself or to his family, has performed a formal act of renunciation within the scope of the statute which was passed by [117] Congress for the precise purpose of

permitting the very renunciations here in question is to be held accountable for his actions, then these instant renunciations are not void and were not coerced. It may be said that the hardships inflicted upon these persons were very great and that the hysteria and mental confusion was likewise great. It must also be considered, however, that the obligation and significance of citizenship is great and when, in time of war, one voluntarily, with full understanding, casts that citizenship aside and asserts loyalty to the enemy, that constitutes a legal act which should not lightly be set aside. In affiant's opinion, it is a legal act which cannot be set aside by recourse to any existing legal concept. Such renunciation would not be set aside as a result of a determination that legal coercion existed but only as an expression of the regret of the American people over the original act of evacuation and detention. If the renunciations are ultimately set aside, in affiant's opinion, that ultimate decision will only be justified as a determination that the persons of Japanese ancestry resident on the Pacific Coast were so goaded that some of them took the foolish step of renunciation and that, because the moral blame is ultimately elsewhere, these persons shall not suffer the legal consequences of their own acts. Whether this step should or will be taken is not within the purview of this affidavit. It is, however, affiant's belief that this analysis should be clearly understood.

/s/ JOHN L. BURLING

Subscribed and sworn to before me this 13th day of May, 1947.

(Seal)

MARY R. McLEAN.

Notary Public

My commission expires Oct. 14, 1951.

November 8, 1946. [118]

[Title of District Court and Cause]

AFFIDAVIT OF JOSEPH J. SHEVLIN

District of Columbia—ss.

Joseph J. Shevlin, being duly sworn, deposes and says:

I am a member of the Bars of the State of New York and the District of Columbia and am a Principal Attorney in the Department of Justice. I was appointed Hearing Officer by the Attorney General and authorized to conduct hearings and make recommendations in connection with the renunciation program pursuant to the provisions of Section 401(i) of the Nationality Act of 1940. All the information contained herein is either on personal knowledge or from examination of the file of Plaintiffs.

In December, 1944, Plaintiff Sumi made application for renunciation of United States nationality. (Copy of her letter of application is annexed hereto and marked Exhibit A.)

Subsequently, an official form was sent to Plaintiff Sumi which was executed and returned by her on January 20, 1945. (Copy of this form is annexed hereto and marked Exhibit B.)

On February 1, 1945, I gave Plaintiff Sumi a hearing on her application. The only persons present were the stenographer, the interpreter, the said plaintiff and I. At no time did it appear that the said plaintiff was acting in any way other than by exercise of her own free will. I made an attempt to have said plaintiff reconsider her action but was unsuccessful. (See copy of transcript of hearing attached hereto, marked Exhibit C.) [119]

Having satisfied myself that such renunciation was the independent act of said plaintiff, I recommended approval thereof as not being contrary to the interests of national

defense, which recommendation was approved by the Attorney General on May 3, 1945. (A copy of said recommendation and approval is annexed hereto and marked Exhibit D.)

On December 3, 1945, at Tule Lake, Plaintiff Sumi wrote a letter to the Department of Justice, petitioning for non-repatriation, alleging that she had applied for repatriation by mistake. (A copy of this letter is annexed hereto as Exhibit E.)

On January 23, 1946, Plaintiff Sumi was given a mitigation hearing at Tule Lake. At the hearing she stated that she had renounced her citizenship to go back to Japan with her husband. (A copy of the hearing officer's recommendation is attached hereto and marked Exhibit F.)

As a result of said hearing, the hearing officer recommended that Plaintiff Sumi be released, which was done by order of the Attorney General dated February 19, 1946. (A copy of the order of the Attorney General is annexed hereto and marked Exhibit G.)

On February 12, 1945, Plaintiff Murakami made application for renunciation of United States nationality. (A copy of her letter of application is annexed hereto and marked Exhibit H.)

Subsequently, an official form was sent to Plaintiff Murakami, which was executed and returned by her on March 1, 1945. (A copy of this form is annexed hereto and marked Exhibit I.)

On March 14, 1945, I gave Plaintiff Murakami a hearing on her application. The only persons present were the stenographer, the said Plaintiff and I. At no time did it appear that the said Plaintiff was acting in any way other than by exercise of her own free will. I made an

attempt to have the said Plaintiff reconsider her action but was unsuccessful. (See copy of transcript of hearing attached hereto, marked Exhibit J.) [120]

Having satisfied myself that such renunciation was the independent act of said Plaintiff, I recommended approval thereof as not being contrary to the interests of national defense, which recommendation was approved by the Attorney General on May 3, 1945. (A copy of said recommendation and approval is attached hereto and marked Exhibit K.)

On August 30, 1945, at Tule Lake, Plaintiff Murakami wrote a letter to the Department of Justice, attempting to withdraw her renunciation, and alleging that she had renounced in fear of being separated from her husband. (A copy of this letter is annexed hereto as Exhibit L.)

On January 25, 1946, Plaintiff Murakami was given a mitigation hearing at Tule Lake. At the hearing she stated that she had renounced her citizenship because she was afraid of being separated from her husband. (A copy of the hearing officer's recommendation is annexed hereto and marked Exhibit M.)

As a result of said hearing, the hearing officer recommended that Plaintiff Murakami be released, which was done by order of the Attorney General dated February 21, 1946. (A copy of the order of the Attorney General is annexed hereto as Exhibit N.)

JOSEPH J. SHEVLIN

Subscribed and sworn to before me this 20th day of March, 1947.

(Seal)

MARY R. McLEAN

Notary Public

My Commission Expires Oct. 14, 1951. [121]

EXHIBIT A

MRS. TSUTAKO SUMI
7502-A.B.

Tule Lake Project
Newell, California

Edward J. Ennis,
Director, Dept. of Justice,
Alien Enemy Control Unit,
Washington, D. C.

Honorable Edward J. Ennis:

Please permit me to write to you concerning the renunciation of citizenship.

According to the newspaper, the renunciation bill has been passed by the congress and signed by the President. I have anxiously waited for this bill to become effective. May I ask if this bill of renunciation is now in effect?

And if it is so, please send me one copy of this application. I shall be very grateful if you send the forms as soon as possible.

Thanking you in advance for your kind attention to this matter, I remain.

Sincerely yours,

/s/ Tsutako Sumi
(Department of Justice)
(Received Dec. 29, 1944 AM)
(Alien Enemy Unit) [122]

4. I have resided in the following countries other than United States since birth or naturalization (give approximate dates). If none, so state. I went to Japan on March 16, 1916. I stayed in Japan 15 years, and I came back to U.S.A. on March 28, 1931,
5. I last entered the United States at (give name of port and approximate date) San Pedro, Port California on March 28, 1931.
6. I have the following close relatives (including spouse, parents, children, brothers and sisters)

Name	Relationship	Address	Citizenship
Saichi Sumi	Husband	7502-A.B.	None
Yoichi Sumi	1st son	"	Yes
Senichi Sumi	2nd son	"	Yes
Takako Sumi	1st daughter	"	Yes
Giro Murakami	Brother	7511-B	Yes

7. My education has been as follows:

School	Location	Date	Type of Studies Pursued
Amariko			
Mura	Japan	April 1, 1921,	Ordinary
Grammar			Course, B1
Graduate			
Amariko	Japan	March 21, 1929,	Ordinary
Mura			Course A8
None	U.S.A.		None [124]

8. I have had the following military service: (If no service or training, state "none".)

Country	Branch of Service	Rank	Year
None	None	None	

9. My United States Selective Service classification is as follows: None.
10. I hereby declare that the information given above is true and correct to the best of my knowledge and belief. I fully understand that if permitted to renounce my United States nationality I will divest myself of all rights and privileges thereunto pertaining.

Signature /s/ Tsutako Sumi

Date Jan. 20, 1945 [125]

EXHIBIT C

HEARING ON RENUNCIATION OF CITIZENSHIP

Applicant:	Tsutako Sumi
Hearing Officer:	Joseph J. Shevlin
Stenographer:	Dorothy Tucker
Date:	February 1, 1945
Case Number:	2006
Interpreter:	Eugenia Cochran

By Hearing Officer to Applicant Through Interpreter:

Q. What is your name?

A. Tsutako Sumi.

Q. Where and when were you born?

A. Los Angeles, California, on October 13, 1914.

Q. Where did you last reside before you were evacuated?

A. West Los Angeles, California.

Q. Is this your application? (Shown Application for Permission to Renounce U. S. Nationality.)

A. Yes.

Q. Why do you want to renounce your citizenship?

A. My father is in Japan and is old and I have to go back.

Q. Is that the only reason?

A. I am going back with my husband.

Q. Is that the only reason you are renouncing your citizenship, because your husband is going back?

A. I was in Japan a long time so I want to go back.

Q. When were you in Japan?

A. From the time I was three until I was eighteen.

Q. Were you graduated from grammar school in Japan?

A. Yes.

Q. And you graduated from high school?

A. No.

Q. You have had no schooling at all in this country?

A. About two years to a special class.

Q. To study English?

A. Yes.

Q. Your husband and three children are in this camp?

A. Yes.

Q. And your brother?

A. Yes.

Q. Is your brother renouncing his citizenship too?

A. Yes. [126]

Q. Do you have any brothers or sisters in Japan?

A. No, only my father.

Q. Do you understand that if you give up your citizenship you can never get it back?

A. Yes.

Q. If you do that and go back to Japan you can never come back to this country?

A. I know. My father is old and can't work so I just have to go back.

Q. You can still go back without giving up your citizenship.

A. I don't care, I want to go back anyway.

(Interpreter reads and explains Renunciation of U. S. Nationality form to Applicant.)

(Applicant signs Renunciation of U. S. Nationality form.) [127]

EXHIBIT D

Form Approved

Budget Bureau No. 43-R234.1

RENUNCIATION OF UNITED STATES NATIONALITY

To the Attorney General

Department of Justice

Washington 25, D. C.

I, Tsutako Sumi, was born at Los Angeles, Los
(First Name) (Middle Name) (Last Name) (City) (County)
Angeles, California, on Oct. 13, 1914.
(or Province) (State or Country) (Date)

My permanent residence is (if present residence not
permanent, state last permanent residence) W. Los An-
geles, Cal. (Street) (City)
(State)

I am a national of the United States by virtue of
birth—~~naturalization~~.
(strike out word not applicable)

I hereby formally renounce my United States nationality and all of its rights and privileges and abjure and renounce all allegiance to the United States of America in accordance with Section 401(i) of the Nationality Act of 1940 as amended.

I request the Attorney General's approval of this renunciation of nationality.

/s/ Tsutako Sumi
(Signature)

(Notices
Distributed
on
10/2/45 M.L.)

* * *

The above formal written renunciation of nationality was made and signed in my presence and before me, a Hearing Officer designated by the Attorney General pursuant to his regulations of October 6, 1944 (8 C.F.R. 316).

I recommend: Approval

Feb. 1, 1945

(Date)

Tule Lake, Cal.

(Place)

/s/ Joseph J. Shevlin
Hearing Officer

* * *

Approved as not contrary to the interests of national defense.

Washington, D. C. May 3, 1945

/s/ Francis Biddle
Attorney General [128]

EXHIBIT E

Department of Justice
Washington, D. C.

Sumi, Tsutako
7502-AB
Tule Lake,
California

December 3, 1945

Dear Sir:

I, Sumi Tsutako, (Family No.) 1293 and residing
Last Name
at 7502-AB Tule Lake, Calif. am a renouncee and applied
for an application for repatriation by mistake.

My desire is to remain in this country with my children
who are all American citizens.

At that time, I immediately notified the Philadelphia
Office of Japanese Interest to have my application changed
to Application for non Repatriation.

As I had *no* notified you about this matter, I am writ-
ing this letter at this time to have my case recorded at
your office.

Very truly yours,

/s/ Tsutako Sumi

(Department of Justice)
(Received Dec 10 1945 AM)
(Alien Enemy Unit) [129]

EXHIBIT F
REPORT AND RECOMMENDATION OF
HEARING OFFICER

D. J. File No. 146-54-2936

Name: Tsutako Sumi

Place of Birth: Los Angeles, Cal

Date of Birth: Oct 13, 1914

Last address before evacuation: W. Los Angeles, Cal.

Marital Status: Married

Children: 3

Names, citizenship and addresses of immediate relatives (include parents, spouse, children, brothers, and sisters. Indicate whether Japanese or United States national or renunciant.)

Jap. Cit. Husband	Saichi Sumi	2337 S. Pontius, W. Los Angeles, Cal.
U.S.C. Son	Yoichi "	Age 10 Tule Lake
" "	Senichi "	" 8 "
U.S.C. Dau.	Takako "	" 2½ "

Dependency of any of these on subject or dependency of subject on any of them. Give reasons therefor.
Dependent on husband

List names, etc. of any members of immediate family presently serving in or who have been honorably discharged from the armed forces of the United States.
None

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Reasons for renunciation of United States nationality:
To go back to Japan with husband

Give any reasons peculiar to this individual case indicating special hardship to be created by removal. Explain in detail. 3 U.S.C. children

If it should be determined that members or a member of your immediate family should be removed to Japan,

do you wish to accompany them or remain in the United States? Go with husband

Remarks or observations by Hearing Officer:

2 a 1

(Continue on additional page if necessary)

On the answers to the foregoing questions and upon the further oral examination of the subject listed below, it is recommended that said subject (not) be removed from the United States.

/s/ C. H. Pennington
Hearing Officer

/s/ Marcus T. Neely
/s/ Howard L. Field

Dated, Tule Lake, California, Jan. 23, 1946.

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EXHIBIT G

In the Matter of
TSUTAKO SUMI
Alien Enemy

D. J. File No.
146-54-2936
b. 10/13/14

ORDER

The above-named alien enemy having been interned by order dated August 31, 1945; and it appearing from a reconsideration of all the evidence bearing upon this matter that said alien enemy should be released; Now, Therefore,

It Is Ordered that said order dated August 31, 1945, be, and the same hereby is vacated and set aside; and it is

Further Ordered that said alien enemy be released.

/s/ Tom C. Clark
Attorney General

Dated, Feb 19 1946 [132]

EXHIBIT H

7512-I

Tule Lake Center

Newell, California

February 12, 1945

Edward J. Ennis, Director
Department of Justice
Alien Enemy Control Unit
Washington, D. C.

Honorable Sir:

Kindly send me one set of application form "For Permission To Renounce United States Nationality."

Your kind attention on this matter will be greatly appreciated.

Yours truly,

/s/ Mae Murakami

M. MURAKAMI

(Department of Justice)

(Received Feb 20 1945)

(Alien Enemy Unit) [133]

EXHIBIT I

Form Approved

Budget Bureau No. 43-R233

APPLICATION FOR PERMISSION TO RE-
NOUNCE UNITED STATES NATIONALITY

To the Attorney General

Department of Justice

Washington 25, D. C.

I, Mae Miye Murakami, hereby state that I am a United States citizen and desire to renounce my United States nationality pursuant to Section 401(i) of the Nationality Act of October 14, 1940 as amended by Public Law 405, 78th Congress, Second Session, and pursuant to the regulations promulgated by the Attorney General on October 6, 1944, 9 F.R. 12241, and hereby request the approval of the Attorney General of my renunciation of nationality as being not contrary to the interests of national defense. I further make the following statements:

1. I was born at Mountain View, Santa Clara,
(Town or City) (Province or County)
California, on Nov. 18, 1917;
(State or Country) (Date)
2. I reside at 7512-I, Newell, California;
(Street or P. O. Address) (City) (State)
3. I am a national of the United States by virtue of
Birth in the United States.

(If a national by birth in the United States, so state; if naturalized, give name and place of the court in the United States before which naturalization was granted and the date of such naturalization.) An applicant should submit with this application any passport or certificate of citizenship he may have in his possession.

4. I have resided in the following countries other than United States since birth or naturalization (give approximate dates). If none, so state. None
5. I last entered the United States at (give name of port and approximate date) None
6. I have the following close relatives (including spouse, parents, children, brothers and sisters)

Name	Relationship	Address	Citizenship
Yasuo Murakami	Husband	7512-I	Japan
Koichi Murakami	Son	7512-I	U.S.
Maketo Murakami	Son	7512-I	U.S.
Tsuru Yoshinaga	Mother	24-10-A Ht. Mt. Wyoming	Japan
Suyeki Yoshinaga	Brother	24-9-A Ht. Mt. Wyoming	U.S.

7. My education has been as follows:

School	Location	Date	Type of Studies Pursued
Menlo Park Central School	Menlo Park	1924-1932	Elementary

[135]

8. I have had the following military service: (If no service or training, state "none".)

Country	Branch of Service	Rank	Year
None			

9. My United States Selective Service classification is as follows:
10. I hereby declare that the information given above is true and correct to the best of my knowledge and belief. I fully understand that if permitted to renounce my United States nationality I will divest myself of all rights and privileges thereunto pertaining.

Signature /s/ Mae Miye Murakami

Date March 1, 1945 [136]

EXHIBIT J
HEARING ON RENUNCIATION OF
CITIZENSHIP.

Applicant: Mae Miye Murakami

Hearing Officer: Jos. J. Shevlin

Interpreter:

Stenographer: Antonia H. Sherrell

Case: #5367

Date: March 14, 1945

Q. When and where were you born?

A. Mt. View, California, November 18, 1917.

Q. Where did you last reside before you were evacuated?

A. Santa Monica, California, 1948 Ninth Street.

Q. Is this your application?

A. Yes.

Q. Why do you want to renounce your citizenship?

A. Because I want to go back to Japan, and I won't need it when I am there.

Q. You have never been in Japan, have you?

A. No.

Q. Did you go to Japanese language school?

A. Yes.

Q. How long?

A. About the seventh grade.

Q. Can you speak Japanese well?

A. Enough to get along.

Q. Can you read it and write it?

A. Not very well.

Q. How far did you go in American schools?

A. Eighth grade.

Q. Your husband is issei?

A. Yes.

Q. Has he petitioned for repatriation?

A. Yes.

Q. Your father is not living, is he?

A. No.

Q. Your mother is at Hart Mountain?

A. Yes.

Q. Your brother is too?

A. Yes.

Q. Is your mother going to stay in this country?

A. Yes. [137]

Q. Of course, your brother will too?

A. Yes.

Q. Why don't you stay?

A. My husband is going back. He has a mother there. I go where he goes.

Q. Is that the only reason?

A. Yes.

Q. You can go to Japan without renouncing your citizenship?

A. That way it is better.

Q. It isn't. There is absolutely no connection between the two.

A. We don't want it when we go there.

Q. Suppose you want to come back?

A. We will just have to stay there, I guess.

Q. You have a couple of boys born here that might want to come here some day?

A. They will get used to it. My mother wants to go back.

Q. How long has your mother been here?

A. Thirty-four or thirty-five years.

Q. Did she ever go back?

A. She can't afford it.

Q. Are you loyal to Japan?

A. I think so.

Q. You understand if you give up your citizenship, you can't get it back, and if you do that and go to Japan, you can't come back here?

A. Yes. [138]

EXHIBIT K

Form Approved

Budget Bureau No. 43-R234.1

RENUNCIATION OF UNITED STATES NATIONALITY

To the Attorney General

Department of Justice

Washington 25, D. C.

I, Mae Miye Murakami, was born at Mountain View,
(First Name) (Middle Name) (Last Name) (City)
Santa Clara, California, on Nov. 18, 1917.
(County or Province) (State or Country) (Date)

My permanent residence is (if present residence not
permanent, state last permanent residence) 1048 - 9th St.,
(Street)
Santa Monica, Cal.
(City) (State)

I am a national of the United States by virtue of
birth—~~naturalization~~.
(strike out word not applicable)

I hereby formally renounce my United States national-
ity and all of its rights and privileges and abjure and re-
nounce all allegiance to the United States of America in
accordance with Section 401(i) of the Nationality Act of
1940 as amended.

I request the Attorney General's approval of this renunciation of nationality.

/s/ Mae Miye Murakami
(Signature)

(Notices)
(Distributed)
(on)
(9/27/45—M.L.)

* * *

The above formal written renunciation of nationality was made and signed in my presence and before me, a Hearing Officer designated by the Attorney General pursuant to his regulations of October 6, 1944 (8 C. F. R. 316).

I recommend: Approval

/s/ Joseph J. Shevlin
Hearing Officer

March 14, 1945
(Date)

Tule Lake, Cal.
(Place)

* * *

Approved as not contrary to the interests of national defense.

Washington, D. C., May 3, 1945

Francis Biddle
Attorney General [139]

EXHIBIT L

7516-G H, Tulelake
Newell, California
August 30, 1945

Mr. E. J. Ennis
Enemy Alien Control Unit
Department of Justice
Washington, D.C.

Dear Mr. Ennis:

Several months ago, I renounced by United States citizenship which I regret very much. My final papers have not come so I am writing in hopes that this letter reaches you in time.

At the time I sent my application in, the members of the organization made it so that to have peace around the block one just had to renounce his citizenship. The pressure was so bad we even had to join this organization, but we managed to withdraw later.

Also at that time, I thought that my husband, who is an alien and I, who is a citizen, would be separated so the only way was to renounce my citizenship and remain together.

At the relocation office I found out that my husband is on the free list while I am not; just because of my citizenship.

For the above reasons, I would like you to reconsider cancellation of my renunciation of citizenship. I am

asking for a parole from Tulelake so I can go out with my husband.

Am anxiously waiting for a reply. I remain,

Yours very truly,

/s/ Mae Miye Murakami

Mae Miye Murakami

Family no. 2959-B

Army I.D. 4635-B

(Department of Justice)

(Received Sep 11 1945)

(Alien Enemy Unit) [140]

EXHIBIT M

REPORT AND RECOMMENDATION OF HEARING OFFICER

D. J. File No. 146-54-4648

Name: Murakami, Mae Miye nee Yoshinaga

Place of Birth: Mountain View, Calif.

Date of Birth: November 18, 1917

Last address before evacuation: Santa Monica, Calif.

Marital Status: Married

Children: Three sons, ages 2 yrs, 1 yr, and 29 days

Names, citizenship and addresses of immediate relatives (include parents, spouse, children, brothers, and sisters. Indicate whether Japanese or United States national or renunciant.)

Husband,	Yasuo Murakami,	Tule Lake Camp	Japan
Son,	Koichi	" "	U.S.A.
"	Makato	" "	U.S.A.
"	Junzo	" "	U.S.A.
Mother,	Tsuru Yoshinaga,	Brighton, Colo.	Japan
Brothers,	Suyeki	" "	U.S.A.
"	George	" , U.S. Army overseas	U.S.A.
Sister,	Shizue Murakami,	Venice, Calif.	U.S.A.
Sister,	Matsuye Ogata,	Marysville, Calif.	U.S.A.
"	Mary Yoshinaga,	Brighton, Colo.	U.S.A.

Dependency of any of these on subject or dependency of subject on any of them. Give reasons therefor. Three children

List names, etc. of any members of immediate family presently serving in or who have been honorably discharged from the armed forces of the United States. Brother, George Yoshinaga, U.S. Army overseas.

Page 1—Case No. 2854 [141]

Reasons for renunciation of United States nationality: Because I was afraid of being separated from my husband.

Give any reasons peculiar to this individual case indicating special hardship to be created by removal. Explain in detail. Three American-born children.

If it should be determined that members or a member of your immediate family should be removed to Japan, do you wish to accompany them or remain in the United States? None likely to be removed.

Remarks or observations by Hearing Officer: Class 2-A-1 Three American-born children

(Continue on additional page if necessary)

On the answers to the foregoing questions and upon the further oral examination of the subject listed below, it is recommended that said subject (not) be removed from the United States.

/s/ R. J. Norene
Hearing Officer

/s/ Joseph J. Shevlin

/s/) Trent Doser

Dated, Tule Lake, California, January 25, 1946

Page 2—Case No. 2854 [142]

EXHIBIT N

In the Matter of

MIYE MAE MURAKAMI

(nee Yoshinaga)

Alien Enemy

D. J. File No.

146-54-4648

b. 11-18-17

ORDER

The above-named alien enemy having been interned by order dated August 31, 1945; and it appearing from a reconsideration of all the evidence bearing upon this matter that said alien enemy should be released; Now, Therefore,

It Is Ordered that said order dated August 31, 1945, be, and the same hereby is vacated and set aside; and it is Further Ordered that said alien enemy be released.

/s/ Tom C. Clark
Attorney General

Dated, Feb 21 1946 [143]

[Title of District Court and Cause]

AFFIDAVIT OF CHARLES M. ROTHSTEIN

District of Columbia—ss

Charles M. Rothstein, having been duly sworn, deposes and says:

First, that he is now acting as assistant to the Director of Alien Enemy Control in the Department of Justice in charge of the administration of the renunciation program and has charge of and is personally acquainted with the records relating thereto; and that he was duly appointed a hearing officer by the Attorney General and was authorized to conduct examinations, take testimony and make recommendations to the Attorney General as to the basis for his finding, pursuant to Section 401(i) of the Nationality Act of 1940, as amended, as to whether the approval of renunciation of United States nationality on the part of applicants for such renunciation would not be contrary to the interest of national defense; and that he personally supervised the hearings subsequently accorded renunciants of United States nationality, at the Tule Lake Segregation Center, and at the Santa Fe Internment Camp, in connection with their applications for permission to remain in the United States.

Second, that in his capacity as the person charged with maintenance of the records relating to renunciation of United States nationality, the affiant received from Plaintiff Inouye a letter dated February 21, 1945, requesting an application form upon which to renounce United States [144] nationality. (A copy of this letter is attached as Exhibit No. 1.)

Third, that affiant subsequently received from Plaintiff Inouye the executed application for permission to renounce United States nationality, dated March 7, 1945. (A copy of this application form is attached as Exhibit No. 2.)

Fourth, that in his capacity as hearing officer, affiant did, on July 9, 1945, accord Plaintiff Inouye a hearing in connection with the above mentioned application and did permit said plaintiff, in his presence, to execute the formal renunciation of United States nationality. (A copy of the transcript of hearing and a copy of the Renunciation of United States Nationality form are attached as Exhibits Nos. 3 and 4, respectively.)

Fifth, that the hearing accorded Plaintiff Inouye by the affiant was a private hearing and that with the exception of the stenographer, a civil service employee of the Caucasian race, there was no other person present at the hearing in addition to the said plaintiff and the affiant.

Sixth, that the affiant was thoroughly convinced that Plaintiff Inouye genuinely desired to renounce his United States nationality, that he understood the meaning of renunciation and the consequences thereof and that his application for renunciation was the result of a voluntary act on his part and not one of duress or coercion.

Seventh, that affiant recommended approval of Plaintiff Inouye's application to renounce, as not contrary to the interests of national defense, pursuant to Section 401(i) of the Nationality Act of 1940, as amended, and that said application was approved by the Attorney General on August 7, 1945. (See Exhibit No. 4, attached.)

Eighth, that thereafter the affiant received from Plaintiff Inouye a letter dated August 23, 1945, requesting

permission to withdraw his application to renounce and alleging that his renunciation was the result of undue influence and mistake. (A copy of this letter is attached as Exhibit No. 5.)

Ninth, that thereafter the affiant received from Plaintiff Inouye a telegram, dated August 28, 1945, reiterating the allegation that his [145] renunciation was the result of undue influence and mistake. (A copy of this telegram is attached as Exhibit No. 6.)

Tenth, that the affiant thereafter received from Plaintiff Inouye a form executed by said plaintiff on October 10, 1945, in which said plaintiff stated that he did not desire to be repatriated to Japan and that he never had any desire to go back to Japan, since he had never been there. (A copy of this form is attached as Exhibit No. 7.)

Eleventh, that during the month of January, 1946, and while Plaintiff Inouye was at the Santa Fe, New Mexico, Internment Camp, affiant received from said plaintiff an application, dated December 20, 1945, for permission to remain in the United States and a request that said plaintiff be granted a hearing and an opportunity to show cause why he should not be removed to Japan. (A copy of said application and request is attached as Exhibit No. 8.)

Twelfth, that affiant, as the person having supervision over the granting of such hearings, as requested by said plaintiff, scheduled his case for hearing on February 18, 1946.

Thirteenth, that the affiant, in his capacity as the person in charge of the records, knows that those records show that Plaintiff Inouye was accorded a hearing upon his application to remain in the United States, before a duly designated hearing officer, on February 18, 1946, and that

said hearing officer, having made a finding that said plaintiff was a "clear case of parental influence", recommended that he be not removed from the United States. (A copy of the findings and recommendation of the hearing officer, taken from the official files under affiant's supervision, is attached as Exhibit No. 9.)

Fourteenth, that affiant, as the person charged with the maintenance of the records, knows that those records show that the recommendation of the hearing officer was accepted by the Attorney General who, on March 27, 1946, signed an order releasing Plaintiff Inouye from further detention. (A copy of the order of the Attorney General, taken from the official files under affiant's supervision, is attached as Exhibit No. 10.) [146]

Fifteenth, that in his capacity as the person charged with maintenance of the records relating to renunciation of United States nationality, the affiant received from Plaintiff Shimizu a letter dated December 1, 1944, requesting an application form upon which to renounce United States nationality. (A copy of this letter is attached as Exhibit No. 11.)

Sixteenth, that affiant subsequently received from Plaintiff Shimizu the executed application for permission to renounce United States nationality, dated December 28, 1944. (A copy of this application form is attached as Exhibit No. 12.)

Seventeenth, that in his capacity as hearing officer, affiant did, on January 16, 1945, accord Plaintiff Shimizu a hearing in connection with the above mentioned application and did permit said plaintiff, in his presence, to execute the formal renunciation of United States nationality. (A copy of the transcript of hearing and a copy of the

Renunciation of United States Nationality form are attached as Exhibits Nos. 13 and 14, respectively.)

Eighteenth, that the hearing accorded Plaintiff Shimizu by the affiant was a private hearing and that with the exceptions of the stenographer and the interpreter, both civil service employees of the Caucasian race, there was no other person present at the hearing in addition to the said plaintiff and the affiant.

Nineteenth, that the affiant was thoroughly convinced that Plaintiff Shimizu genuinely desired to renounce her United States nationality, that she understood the meaning of renunciation and the consequences thereof and that her application for renunciation was the result of a voluntary act on her part and not one of duress or coercion.

Twentieth, that thereafter affiant received from Plaintiff Shimizu a letter dated March 1, 1945, requesting approval of her renunciation. (A copy of this letter is attached as Exhibit No. 15.) [147]

Twenty-first, that thereafter affiant received from Plaintiff Shimizu a letter dated March 16, 1945, requesting repatriation to Japan on the next exchange of nationals. (A copy of this letter is attached as Exhibit No. 16.)

Twenty-second, that affiant recommended approval of Plaintiff Shimizu's application to renounce, as not contrary to the interests of national defense, pursuant to Section 401(i) of the Nationality Act of 1940, as amended, and that said application was approved by the Attorney General on May 3, 1945. (See Exhibit No. 14, attached.)

Twenty-third, that thereafter the affiant received from the parents of Plaintiff Shimizu a letter dated November 5, 1945, stating that said plaintiff had changed her mind and desired to remain in this country forever. (A copy of this letter is attached as Exhibit No. 17.)

Twenty-fourth, that the affiant thereafter, as the person having supervision over the granting of mitigation hearings to show cause why renunciants should not be removed to Japan, scheduled Plaintiff's Shimizu's case for hearing on January 15, 1946.

Twenty-fifth, that the affiant, in his capacity as the person in charge of the records, knows that those records show that Plaintiff Shimizu was accorded a hearing upon her application to remain in the United States, before a duly designated hearing officer, on January 15, 1946, and that said hearing officer, having made a finding that the presumption of disloyalty in her case was not sufficiently strong to warrant removal, recommended that she be not removed from the United States. (A copy of the findings and recommendation of the hearing officer, taken from the official files under affiant's supervision, is attached as Exhibit No. 18.)

Twenty-sixth, that affiant, as the person charged with the maintenance of the records, knows that those records show that the recommendation of the hearing officer was accepted by the Attorney General who, on February 13, 1946, signed an order releasing Plaintiff Shimizu from further detention. (A copy of the order of the Attorney

General, taken from the official files under affiant's supervision, is attached as Exhibit No. 19.)

CHARLES M. ROTHSTEIN

Subscribed and sworn to before me this 20th day of March, 1947.

(Seal)

MARY R. McLEAN

Notary Public.

My Commission Expires Oct. 14, 1951. [148]

EXHIBIT NO. 1

24-7-1

Manzanar, Calif.

February 21, 1945

Department of Justice

Washington, D. C.

To Who Ever It May Concern.

Dear Sir:

My name is Yuichi Inouye, a citizen of the United States, who wishes to denounce his citizenship papers since he has repatriated and has no leave clearance who would like to join his friends in a internment camp.

Hope you will attend to this matter soon.

Thank you.

/s/ Yuichi Inouye [149]

EXHIBIT NO. 2

Form Approved

Budget Bureau No. 43-R233

APPLICATION FOR PERMISSION TO RE-
NOUNCE UNITED STATES NATIONALITY

To the Attorney General

Department of Justice

Washington 25, D. C.

I, Albert Yuichi Inouye, hereby state that I am a United States citizen and desire to renounce my United States nationality pursuant to Section 401(i) of the Nationality Act of October 14, 1940 as amended by Public Law 405, 78th Congress, Second Session, and pursuant to the regulations promulgated by the Attorney General on October 6, 1944, 9 F. R. 12241, and hereby request the approval of the Attorney General of my renunciation of nationality as being not contrary to the interests of national defense. I further make the following statements:

1. I was born at Berros, San Luis Obispo, California,
(Town or City) (Province or County) (State or Country)
on May 30, 1927;
(Date)
 2. I reside at 24-7-1, Manzanar, California;
(Street or P. O. Address) (City) (State)
 3. I am a national of the United States by virtue of Birth in the U. S.
- -----

(If a national by birth in the United States, so state; if naturalized, give name and place of the court in the United States before which naturalization was granted and the date of such naturalization.) An applicant should submit with this application any passport or certificate of citizenship he may have in his possession.

4. I have resided in the following countries other than United States since birth or naturalization (give approximate dates). If none, so state.....
5. I last entered the United States at (give name of port and approximate date).....
6. I have the following close relatives (including spouse, parents, children, brothers and sisters)

Name	Relationship	Address	Citizenship
Geo. Kikuji Inouye	Father	24-7-1	None (Issei)
Shizue Inouye	Mother	" " "	" "
Lily Inouye	Sister	24-6-4	Yes
Yoko Inouye	"	24-7-1	"
Minomatsu Inouye	Grandfather	24-6-4	None (Issei)

7. My education has been as follows:

School	Location	Date	Type of Studies Pursued
		1932	
Grammar School	W.L.A.	1937	
		1937	
Junior High	Westwood	1941	
		1941	
High School	Rel. Center	1944	General Diploma
			[151]

8. I have had the following military service: (If no service or training, state "none".)

Country	Branch of Service	Rank	Year
	None		

9. My United States Selective Service classification is as follows: None

10. I hereby declare that the information given above is true and correct to the best of my knowledge and belief. I fully understand that if permitted to renounce my United States nationality I will divest myself of all rights and privileges thereunto pertaining.

Signature Yuichi Inouye

Date March 7, 1945 [152]

EXHIBIT NO. 3

HEARING ON RENUNCIATION OF CITIZENSHIP

Applicant:	Albert Yuichi Inouye
Hearing Officer:	Charles M. Rothstein
Stenographer:	Barbara Dougherty
Interpreter:	None
Case No.:	4689
Date:	July 9, 1945

By Hearing Officer to Applicant:

Q. What is your name?

A. Albert.

Q. Your full name?

A. Albert Yuichi Inouye.

Q. Where were you born?

A. Me?

Q. Yes.

A. Berros.

Q. Berros, California?

A. San Luis Obispo County.

Q. When were you born?

A. 1927.

Q. What month?

A. May 30th.

Q. What was your home address before you were evacuated?

A. West Los Angeles.

Q. What street number?

A. 1843 Corinth.

Q. Los Angeles?

A. West Los Angeles.

Q. Have you made an application to renounce your United States nationality?

A. Yes.

Q. Is this your application?

A. Yes.

Q. Did you sign this application on your own free will?

A. Yes.

Q. Have you ever lived in Japan?

A. No.

Q. Are you married or single?

A. Single. [153]

Q. Where do your mother and father live?

A. Huh?

Q. Do they live in this center?

A. Yes, in this center.

Q. Why do you want to renounce your United States nationality?

A. I don't know—well—(long pause).

Q. Why do you want to renounce your nationality? You made an application in March that you wanted to renounce your nationality.

A. Go back to Japan.

Q. Have your parents made an application to go back to Japan?

A. Yes, I'm the only son and I want to go with them.

Q. You feel that your loyalty is to Japan and not to the United States?

A. No.

Q. You want to go to Japan and live there permanently?

A. No.

Q. You don't?

A. Just go back.

Q. You realize that if you go to Japan after renouncing your nationality you will probably not be permitted to re-enter the United States?

A. I'll go some place else.

Q. You know that you could go to Japan with your parents after the war without renouncing your nationality?

A. (Long pause.)

Q. Do you know that?

A. I guess so.

Q. You realize that if you renounce your United States nationality that you give up all rights and privileges of United States citizenship?

A. Yes.

Q. Will you read this form over?

A. (Mr. Inouye reads Form No. 43-R234.1.)

Q. You understand it?

A. Yeah.

Q. If that is what you want will you sign right there? Sign it as it is written there.

(Signs formal oath of renunciation of citizenship, after same is explained to him.) [154]

EXHIBIT NO. 4

Form Approved

Budget Bureau No. 43-R234.1

RENUNCIATION OF UNITED STATES
NATIONALITY

To the Attorney General
Department of Justice
Washington 25, D. C.

I, Albert Yuichi Inouye, was born at Berros, San Luis
(First Name) (Middle Name) (Last Name) (City) (County or
Obispo, Calif., on 5/30/27.
Province) (State or Country) (Date)

My permanent residence is (if present residence not
permanent, state last permanent residence) 1843 Corinth,
W. Los Angeles, Calif.
(City) (State)

I am a national of the United States by virtue of
birth—~~naturalization~~.
(strike out word not applicable)

I hereby formally renounce my United States nationality
and all of its rights and privileges and abjure and re-
nounce all allegiance to the United States of America in
accordance with Section 401(i) of the Nationality Act
of 1940 as amended.

I request the Attorney General's approval of this re-
nunciation of nationality.

/s/ Albert Yuichi Inouye
(Signature)

Notices
Distributed
on
11/14/45 M.L.

The above formal written renunciation of nationality was made and signed in my presence and before me, a Hearing Officer designated by the Attorney General pursuant to his regulations of October 6, 1944 (8 C.F.R. 316).

I recommend: approval

7/9/45

(Date)

Manzanar, Calif.

(Place)

/s/ Charles M. Rothstein
Hearing Officer

* * *

Approved as not contrary to the interests of national defense.

Washington, D. C. Aug. 7, 1945

/s/ Tom C. Clark
Attorney General [155]

EXHIBIT NO. 5

August 23, 1945

Hon. Tom Clark	(Office of the)
Attorney General of the United States	(Received)
Washington 25, D. C.	(August 27, 1945)
	(Attorney General)

Dear Sir:

I want to withdraw my application for renunciation of my American citizenship, and I disaffirm that application for the reason that I made it originally before I was 18 years of age, for the reason that I am still a minor under the age of 21 years, and for the reason that I exe-

cuted it under a combination of circumstances which amounted to undue influence and mistake. I ask your consideration and your assistance if possible in correcting the situation in which I find myself.

I have received no word that my application has been approved by you, and I hope that this letter will serve to cancel and withdraw my application before it is approved. However, if, in your opinion, it cannot have that effect, or if you have already approved my application, I do want to disaffirm it for the reasons given. If I should no longer have American citizenship, my position will be particularly unfortunate because under the existing laws I will have no way of regaining my American citizenship through naturalization. I am not a citizen of any other country, and I have no desire to become a citizen of any other country nor is there any other country to which I want to go. Under these circumstances I will be a stateless person, a man without a country, living in my native country without any of the privileges of a citizen and without hope of ever gaining them.

It is true that if this happens it will be by my own act, but I can only say that I am not yet a man, and that the circumstances were such that I was under strong pressure and did not know or realize what I was doing.

My parents are alien Japanese, but my father has not been in Japan since 1906, and I have never been there. Therefore I owe no loyalty to Japan and never had any. However, my parents have never been eligible to citizenship, and while they have strong ties with the United States, they have never been able to become part of this country in every sense and therefore they have never been able to break all of their ties with Japan.

The evacuation was a shock to my parents and to me and my sisters. Not only was it a shock but it also caused our family to lose what we had, a car, which was nearly paid for, and a home, which was held in trust for me. This happened while my father was interned, and all of these experience made him feel that there would be no future for him or my mother, except in Japan. I felt that it was my duty as the only son to go with them and to help get them settled in Japan, but I never had any idea of staying [156] there permanently. I think that my attitude toward going to Japan was brought out quite clearly in the interview I had with Mr. Rothstein. If my parents had not wanted to go to Japan I would not have ever thought of asking for repatriation, and if I had not been influenced by the evacuation and the situation in camp, I know that I would have done everything expected of any other citizen of this country.

The result of our repatriation requests was that none of our family could leave Manzanar, and when the Army began to exclude people individually, they put me on the segregation list and all that I could look forward to was being held here and finally transferred to Tule Lake. The Army officer had talked to me about renouncing my citizenship, and it seemed to me that would be the next step, so in March, before I was even 18 years old, I made that application. Then I had a hearing in Manzanar on July 9. I had just passed 18 on May 30. I was confused about everything, and so I signed the papers, but I did not realize what I was getting myself into.

I hope that you will help me get out of this situation, and if I cannot, I hope that I will be allowed to relocate with my family, and maybe some day I can earn my citizenship back again.

Very truly yours,

Albert Yuichi Inouye

24-7-1

Manzanar, California [157]

EXHIBIT NO. 6

WESTERN UNION

1945 Aug 28 PM 11 07

TA 50

T. BE589 NL PD-TDPN MANZANAR CALIF 28

ATTORNEY GENERAL UNITED STATES

WASHDC-

I WITHDRAW MY RENUNCIATION APPLICATION AND DISAFFIRM IT BECAUSE OF MY MINORITY AT TIME OF ORIGINAL APPLICATION AND UNDUE INFLUENCE AND MISTAKE. I AM NOT A CITIZEN OF JAPAN OR ANY COUNTRY OTHER THAN THE UNITED STATES AND RESPECTFULLY REQUEST YOUR CONSIDERATION AND ASSISTANCE IN MY SITUATION LETTER FOLLOWS -

ALBERT YUICHI INOUE [158]

EXHIBIT NO. 7

Form approved.

Budget Bureau No. 43-R237.

APPLICATION FOR NON-REPATRIATION

(By alien of enemy nationality under jurisdiction of
Immigration and Naturalization Service)

I, Yuichi Inouye, also known as Al Inouye, residing
at Immigration Internment Camp, Santa Fe, Santa Fe,
(Number and street) (City or town) (County)
New Mexico, hereby apply for Non-Repatriation.
(State)

In support of my application, I submit the following
facts:

- (1) I was born in San Luis Obispo County, California,
(City or town) (County, district,
United States on May 30, 1927
(Country) (Gregorian calendar) (Japanese calendar)
province or state)
- (2) My nationality is: [] German [] Italian [X] Jap-
anese [] Dual..... [] Other.....
(Specify) (Specify)
- (3) My profession(s) or occupation(s) is (are) Student
- (4) My last permanent address in the United States
West Los Angeles, California, United States
(City or town) (County, district, province or State) (Country)
- (5) My address at the time of my apprehension was
Manzanar WRA, Manzanar, California
- (6) My nearest relative in Japan Nearest relatives live
(Name)
in Kumemoto-ken, Tamana-gun, Midori-mura, Japan
(Relationship) (Complete address)

- (7) My desires regarding repatriation are indicated in the box checked below. (Check and complete approximate box.)

I Do Not Desire to Be Repatriated.

[] I desire to be repatriated to
unconditionally and without qualification.

[] I desire to be repatriated to
if possible; otherwise to

[] I desire to be repatriated to
Only if the persons named below accompany me.

- (8) I desire that the following persons be repatriated with me: (Does Not Apply)

(Each such person, if 18 years of age or over, must submit a separate application.)

Name	Age	Relationship	Country of Birth	Nationality	Present Address
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(Department of Justice)

(Received Oct 15 1945)

(Alien Enemy Unit) [159]

- (9) The following additional facts or comments are submitted in support of my application:

I never had any desire to go back to Japan, since I have never been there.

My family are planning to relocate to Los Angeles in the near future and I would like very much to join them in Los Angeles.

My act of renouncing of my United States citizenship I realize now was a big mistake, and I ask your

consideration and your assistance if possible in correcting the situation I find myself.

/s/ Yuichi Albert Inouye

(Signature of petitioner)

October 10, 1945

(Date)

Witnessed:

/s/Louis Vinzi

(Signature)

CERTIFICATE OF REVIEWING OFFICER

I have reviewed the foregoing application for repatriation and believe, for the reasons stated below, that:

[] The application has outstanding merit.

[] The application has substantial merit.

[X] The application has some merit.

(Reasons)

This applicant states that he renounced his citizenship more out of loyalty to his parents than loyalty to Japan. He seems to realize that as far as his citizenship goes it can never again be returned to him. The fact that his parents have not changed their views as to repatriation seems to the undersigned the applicant's real reason for desiring non-repatriation. Some consideration may be given an 18-year old boy loyalty to his parents but from questioning the applicant it seems doubtful that any other pressure or duress was exerted as he implies. It must be remembered that a great many other 18-year old American boys were in the Armed Forces.

/s/ Louis Vinz

(Signature of reviewing officer)

Louis Vinz, Patrol Inspector [160]

(Title)

EXHIBIT NO. 8

APPLICATION FOR HEARING

I, Albert Yuichi Inouye, also known as Al Inouye, residing at Barrack No. 13-E, Alien Internment Camp, Santa Fe, New Mexico, hereby apply for a hearing as hereinafter indicated.

In support of my application, I submit the following facts:

- (1) I was born in Berros, San Luis Obispo, California
(City or town) (County) (State)
on May 30, 1927
(Gregorian calendar)
- (2) My last permanent address which I was residing is
West Los Angeles, Los Angeles, California, United
(City or town) (County) (State)
States
(Country)
- (3) I was transferred from Manzanar W.R.A. Calif.
(Name of center)
on Sept. 8, 1945 by means of Closing of the Reloca-
(Date)
tion Center
- (4) My nearest relative in this country is Mrs. Shizuye
(Name)
Inouye, Mother, now residing at 16780 Oakview,
(Relationship) (Complete
Encino, California % Mr. Samuel Fink
address)
- (5) My desire for the hearing to be held is for clarifying
my status, as to the merit of restoration of the citi-
zenship, by cancelling the renunciation.

- (6) The following additional facts or comments are submitted in support of my application:

I desire to remain in the United States for the following reasons:

1. At the time of my renunciation I did not know any legal knowledge and realize what I was getting into, because I was a minor under the age of 21 years of age.
2. I have never been to Japan and have no desire to go there.
3. Because my family is remaining in this country now living at Encino, California and I would like to join them and remain in this country.
4. I have never been in any submersive activities or organizations and I am not a pro-japanese trouble-maker.

/s/ Albert Yuichi Inouye
(Signature of petitioner)

(Department of Justice)
(Received Jan 8 1946)
(Alien Enemy Unit)

December 20, 1945 [161]

(Date)

EXHIBIT NO. 9

REPORT AND RECOMMENDATION OF
HEARING OFFICER

D. J. File No. 146-54-4689

Name: Albert Yuichi Inouye

Place of Birth: Berros, Calif.

Date of Birth: May 30, 1927

Last address before evacuation: W. Los Angeles,
Calif.

Marital Status: Single

Children:

Names, citizenship and addresses of immediate relatives (include parents, spouse, children, brothers, and sisters. Indicate whether Japanese or United States national or renunciant).

George Kikuji Inouye, Father, Encino, Calif.	Alien
Shizue " Mother "	"
Lily " Sister Bel-Air, Los Angeles,	U. S. cit.
Yoko " " Encinco, Calif.	U. S. cit.

Dependency of any of these on subject or dependency of subject on any of them. Give reasons therefor.
Parents. Subject is an only son.

List names, etc. of any members of immediate family presently serving in or who have been honorably discharged from the armed forces of the United States.
None

Reasons for renunciation of United States nationality: Parents instructed him to renounce and accompany them to Japan.

Give any reasons peculiar to this individual case indicating special hardship to be created by removal. Explain in detail. Parents. Subject is an only son.

If it should be determined that members or a member of your immediate family should be removed to Japan, do you wish to accompany them or remain in the United States? Not applicable.

Remarks or observations by Hearing Officer: No organizational activities; excellent employment record at Manzanar and Santa Fe. Has never been to Japan; thoroughly Americanized. Clear case of parental influence. See transcript of renunciation hearing. At that time stated that he had no feeling of loyalty to Japan. Answered questions 27 and 28 on Army Registration form in the affirmative.

Class II a 2.

(Continue on additional page if necessary)

On the answers to the foregoing questions and upon the further oral examination of the subject listed below, It is recommended that said subject (not) be removed from the United States.

/s/ Ollie Collins
Hearing Officer

Dated, Santa Fe., N. Mex., Feb. 18, 1946.

EXHIBIT NO. 10

In the Matter of
ALBERT YUICHI INOUE
Alien Enemy

D. J. File No.
146-54-4689
b. 5/30/27

ORDER

The above-named alien enemy having been interned by order dated November 29, 1945; and it appearing from a reconsideration of all the evidence bearing upon this matter that said alien enemy should be released; Now, Therefore,

It Is Ordered that said order dated November 29, 1945, be, and the same hereby is vacated and set aside; and it is

Further Ordered that said alien enemy be released.

/s/ Tom C. Clark
Attorney General

Dated, Mar 27 1946 [164]

EXHIBIT NO. 11

December 1, 1944
Newell, California

The Attorney General
Department of Justice
Washington 25, D. C.
Mr. Edward J. Ennis, Director
Department of Justice
Alien Enemy Control Unit
Washington, D. C.

Dear Mr. Ennis:

I desire to renounce my United States Nationality in accordance to recent government promulgation, so will you kindly forward me a copy of government-printed application form No. 43,-R233?

Respectfully yours,

/s/ Mutsu Shimizu [165]

EXHIBIT NO. 12

Form Approved

Budget Bureau No. 43-R233

APPLICATION FOR PERMISSION TO RE-
NOUNCE UNITED STATES NATIONALITY

To the Attorney General

Department of Justice

Washington 25, D. C.

I, Mutsu Shimizu, hereby state that I am a United States citizen and desire to renounce my United States nationality pursuant to Section 401(i) of the Nationality Act of October 14, 1940 as amended by Public Law 405, 78th Congress, Second Session, and pursuant to the regulations promulgated by the Attorney General on October 6, 1944, 9 F.R. 12241, and hereby request the approval of the Attorney General of my renunciation of nationality as being not contrary to the interests of national defense. I further make the following statements:

1. I was born at Los Angeles, _____,
(Town or City) (Province or County)
California, on July 4th, 1914;
(State or Country) (Date)

2. I reside at 402-C, Newell, California;
(Street or P. O. Address) (City) (State)
3. I am a national of the United States by virtue of
the birth in the United States

(If a national by birth in the United States, so state; if naturalized, give name and place of the court in the United States before which naturalization was granted and the date of such naturalization.) An applicant should submit with this application any passport or certificate of citizenship he may have in his possession.

[166]

4. I have resided in the following countries other than United States since birth or naturalization (give approximate dates). If none, so state. Japan since 1920 to 1931.
5. I last entered the United States at (give name of port and approximate date) San Francisco on April 1931
6. I have the following close relatives (including spouse, parents, children, brothers and sisters)

Name	Relationship	Address	Citizenship
Akira Shimizu	Husband	Santa Fe Detention Camp	Japan
Yosuke Shimizu	Son	402-C Newell, Calif.	U.S.A.
Hiroko Shimizu	Daughter	" " "	"
Yoneko	"	" " "	"

7. My education has been as follows:

School	Location	Date	Type of Studies Pursued
Grammer	Japan	1921-27	
High School	"	1927-1931	

[167]

8. I have had the following military service: (If no service or training, state "none".) None
- | Country | Branch of Service | Rank | Year |
|---------|-------------------|------|------|
| ----- | | | |

9. My United States Selective Service classification is as follows:
10. I hereby declare that the information given above is true and correct to the best of my knowledge and belief. I fully understand that if permitted to renounce my United States nationality I will divest myself of all rights and privileges thereunto pertaining.

Signature /s/ Mutsu Shimizu

Date December 28, 1944 [168]

EXHIBIT NO. 13

HEARING ON RENUNCIATION OF CITIZENSHIP

Applicant: Mutsu Shimizu
Hearing Officer: Charles M. Rothstein
Stenographer: Dolores H. Jaramillo
Interpreter: Eugenia Cochran
Case No.: 387 DJ #146-54-924
Date: January 16, 1945

By Hearing Officer to Applicant:

Q. What is your name?

A. Mutsu Shimizu.

Q. Where were you born?

A. Los Angeles, California.

Q. When were you born?

A. July 4, 1914.

Q. Do you understand that I am a hearing officer and I am here to give you a hearing because you made an application to renounce your United States nationality?

A. Yes.

Q. I show you this application form; do you recognize it as your own?

A. Yes.

Q. Did you sign this form?

A. Yes.

Q. Did you sign it of your own free will?

A. Yes, it was my own desire without being forced.

Q. Have you ever lived in Japan?

A. Yes, I have.

Q. When did you live in Japan?

A. From the time I was six until 1931.

Q. Where do your mother and father live?

A. In Japan.

Q. Are you married?

A. Yes.

Q. What is your husband's name?

A. Akira Shimizu. He is in Santa Fe. He was taken last month.

Q. Why do you want to renounce your United States nationality at this time?

A. I grew up in Japan and I had all of my training there.

Q. Do you understand that if you renounce your United States nationality you give up all rights and privileges of American citizenship?

A. Yes, I understand.

Q. Do you understand that if after renouncing your nationality you go to Japan you might never be permitted to return to the United States?

A. Yes, my husband is an Issei, so I understand that.

(Signs formal oath of renunciation of citizenship, after same is explained to her.)

EXHIBIT NO. 14

Form Approved

Budget Bureau No. 43-R234.1

RENUNCIATION OF UNITED STATES
NATIONALITY

To the Attorney General
Department of Justice
Washington 25, D. C.

I, Mutsu Shimizu, was born at Los Angeles,
(First Name) (Middle Name) (Last Name) (City)
Cal., U. S., on July 4, 1914.
(County or (State or (Date)
Province) Country)

My permanent residence is (if present residence not
permanent, state last permanent residence) 819 S. En-
cinita, San Gabriel, Cal.
(Street) (City) (State)

I am a national of the United States by virtue of
birth—~~naturalization~~.
(strike out word not applicable)

I hereby formally renounce my United States national-
ity and all of its rights and privileges and abjure and
renounce all allegiance to the United States of America
in accordance with Section 401(i) of the Nationality
Act of 1940 as amended.

I request the Attorney General's approval of this re-
nunciation of nationality.

/s/ Mutsu Shimizu
(Signature)

1/16/45
(Date)
Tule Lake, Cal.
(Place)

Notices
Distributed
on 10/2/1945 M. L.

* * *

The above formal written renunciation of nationality by Mutsu Shimizu, was made and signed in my presence and before me, a Hearing Officer designated by the Attorney General pursuant to his regulations of October 6, 1944 (8 C.F.R. 316).

I recommend: Approval

/s/ Charles M. Rothstein
Hearing Officer

1/16/45

(Date)

Tule Lake, Cal.

(Place)

* * *

Approved as not contrary to the interests of national defense.

Washington, D. C. May 3, 1945

Francis Biddle
Attorney General [170]

EXHIBIT NO. 15

402-C
Newell, Calif.
March 1, 1945

Attorney General
Department of Justice
Washington, D. C.

Dear Sir:

On January 18, 1945, I had my hearing for the renunciation of American citizenship by your representative. At the hearing I was informed that my renuncia-

tion would not become final until I am approved by the Attorney General.

Will you kindly give your Honor's attention in regards to my case.

Sincerely yours,

/s/ Mutsu Shimizu [171]

EXHIBIT NO. 16

402-C

Tule Lake Center

Newell, California

March 16, 1945

Mr. Charles Rothstein
Representative, Dept. of Justice
Tule Lake Center
Newell, California

Dear Sir:

Within the past few months, the Department of Justice representatives has been conducting renunciation hearings for persons eighteen years of age or over who desire to renounce United States citizenship. I have three minor children who, according to your statements, are not able to renounce their citizenship. It is my firm belief and determination that we as a family unit and not individually be repatriated to Japan on the next exchange of nationals. My husband is also interned at Santa Fe, New Mexico alien internment camp.

Will these children, who are unable to renounce their citizenship because they are minors, positively be included along with my husband if he is to be repatriated on the next exchange of nationals? If they are unable to re-

turn on the same vessel with him, what necessary measures would you advise in order to materialize this desire?

Your cooperation in informing me with the above matter will be greatly appreciated since I am involved in this situation.

Very truly yours,

/s/ Mutsu Shimizu

Mutsu Shimizu (Mrs.)

(Department of Justice)

(Received Mar 26 1945)

(Alien Enemy Unit) [172]

EXHIBIT NO. 17

November 5, 1945.

Gallup, New Mexico

War Department
Department of Justice,
Washington 25, D. C.

Dear Sir:

Re; Mrs. Mutsu Shimizu
address 402-C
Tulelake, California.

We the undersigned are the parents of the above person. Now we understand that she has changed her mind and desires to remain in this country forever. Also, we understand that she previously has renounced her citizenship that might be caused by such atmosphere in Tulelake Center, where such a formidable atmosphere often prevails in such a camp as Tulelake.

Now She realizes her wrong attitude and has changed her mind and wishes to stay in this country together with

her husband namely Akira Shimizu and their three children.

As the parents to foresaid Mutsu Shimizu, we heartily beg to Your Honor for your consideration on this case and please let them stay in this country, and we are to be sure that she was a good citizen in this country and will be the same in the future.

Yours truly,

/s/ Kichiji Chuman Father

/s/ Toyo Chuman Mother

P. O. Box 512

Gallup, New Mexico [173]

EXHIBIT NO. 18

REPORT AND RECOMMENDATION OF HEARING OFFICER

D. J. File No. 146-54-924

Name: Shimizu, Mutsu

Place of Birth: Los Angeles, California

Date of Birth: July 4, 1914

Last address before evacuation: 819 S. Encinita, San Gabriel, Calif.

Marital Status: married

Children: three

Names, citizenship and addresses of immediate relatives (include parents, spouse, children, brothers, and sisters. Indicate whether Japanese or United States national or renunciant).

Husband, Akira Shimizu, born in Japan, national of Japan; in Japan

Son, Yosuke, U. S. born, a minor. Tule Lake Center

Daughter, Hiroko, U. S. born, national of U. S., a minor, Tule Lake Center

Daughter, Yonako, U. S. born, national of U. S., a minor, Tule Lake Center

Father, Kichiji Chuman, national of Japan; Gallup, New Mexico

Mother, Toyo, national of Japan, with father

Brother, Masato, in the U. S. Army, stationed at Ft. Ord, Calif.

Dependency of any of these on subject or dependency of subject on any of them. Give reasons therefor. Three minor children dependent upon me and my husband.

List names, etc. of any members of immediate family presently serving in or who have been honorably discharged from the armed forces of the United States. Brother Masato, in the U. S. Army now stationed at Ft. Ord, California

Page 1—Case No. [174]

Reasons for renunciation of United States nationality: Thought that this war was going to last a long time and therefore she did not want to raise her children in this camp. Only way that she would be able to raise children properly would be to go outside of camp and resume normal life which was not possible in the United States, therefore, she had to renounce her citizenship and try to repatriate to Japan.

Bring out any factor which would indicate that the removal of this subject would cause an unusual hardship. Three minor U. S. born children

If it should be determined that members or a member of your immediate family should be removed to Japan, do you wish to accompany them or remain in the United States? In case husband is deported to Japan she would like to accompany him with her children. If he is already repatriated she desires to remain in the U. S.

Remarks or observations by Hearing Officer. Class II(a) (1) Three minor U. S. born children and a brother in the United States Army.

(Continue on additional page if necessary)

On the answers to the foregoing questions and upon the further oral examination of the subject listed below, it is recommended that said subject (not) be removed from the United States.

/s/ Bruce G. Barber
Hearing Officer

/s/ Ollie Collins

/s/ Charles M. Rothstein

Dated, Tule Lake, California, January 15, 1946
Ethel M. Fitzgibbons, Stenographer
Book II, Spokane District

EXHIBIT NO. 19

In the Matter of
MUTSU SHIMIZU
Alien Enemy

D. J. File No.
146-54-924

ORDER

The above-named alien enemy having been interned by order dated August 31, 1945; and it appearing from a reconsideration of all the evidence bearing upon this matter that said alien enemy should be released; Now, Therefore,

It Is Ordered that said order dated August 31, 1945, be, and the same hereby is vacated and set aside; and it is

Further Ordered that said alien enemy be released.

TOM C. CLARK
Attorney General

Dated, Feb. 13, 1946 [176]

Notice of Hearing for Motion for Summary Judgment on Behalf of Defendants; Motion for Summary Judgment on Behalf of Defendants; Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment; Affidavits of John L. Burling, Joseph J. Shelvin, Charles M. Rothstein, and Rosalie Hankey.

Received copy of the within legal papers above listed this 17th day of June, 1947. Frank F. Chuman, Attorney for Plaintiffs.

[Endorsed]: Filed Jul. 1, 1947. Edmund L. Smith, Clerk. [177]

[Title of District Court and Cause]

STIPULATION RE AFFIDAVIT IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

It Is Hereby Stipulated by and between counsel for the respective parties hereto that the affidavit of Rosalie Hankey filed in support of defendants' motion for summary judgment may be considered upon the hearing of said motion without the signature of said Rosalie Hankey appended thereto. The affidavit in the form submitted is a copy of an original affidavit on file in the District Court for the Northern District of California.

Dated: This 2nd day of June, 1947.

A. L. WIRIN

FRED OKRAND

By Fred Okrand

Attorneys for Plaintiffs

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants

It Is So Ordered this 16 day of July, 1947.

JACOB WEINBERGER

Judge, United States District Court

[Endorsed]: Filed Jul. 17, 1947. Edmund L. Smith,
Clerk. [178]

[Minutes: Tuesday, August 12, 1947]

Present: The Honorable Jacob Weinberger, District Judge.

It is ordered that this cause be placed on the calendar of Hon. Chas. C. Cavanah for hearing motion of defendants for summary judgment. [179]

[Title of District Court and Cause]

NOTICE ON HEARING FOR MOTION FOR
SUMMARY JUDGMENT ON BEHALF
OF PLAINTIFFS

To the Defendants Herein and James M. Carter, United States Attorney, and Ronald Walker, Assistant United States Attorney, Their Attorneys:

You, and Each of You, Will Please Take Notice that on Monday, August 25, 1947, at the hour of 10:00 A. M. Plaintiffs will move the above-entitled Court for summary judgment on behalf of the plaintiffs and against the defendants in accordance with the written motion appended hereto.

A. L. WIRIN and FRED OKRAND

By A. L. Wirin

Attorneys for Plaintiffs [180]

[Title of District Court and Cause]

PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT

The plaintiffs move the Court for summary judgment in their favor against the defendants. The ground for said motion is that there is no genuine issue as to any material fact; and that the plaintiffs are entitled to judgment as a matter of law.

The motion will be based upon the records and files in said action, including the affidavits filed in behalf of the defendants, in support of the defendants' motion for summary judgment; as well as the affidavits filed in behalf of the plaintiffs in support of the plaintiffs' motion for summary judgment, and the memorandum of points and authorities in support of this motion appended hereto.

A. L. WIRIN and FRED OKRAND

By A. L. Wirin

Attorneys for Plaintiffs [181]

Received copy of the within Notice & Motion & Affidavits this 11th day of August, 1947. Ronald Walker, Asst. U. S. Atty., Attorney for Defts.

[Endorsed]: Filed Aug. 12, 1947. Edmund L. Smith, Clerk. [182]

[Title of District Court and Cause]

AFFIDAVITS IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT: A. L. WIRIN, LOUIS M. NOYES, ROBERT H. ROSS, HARRY L. BLACK, MARVIN K. OPLER, JOHN ALDEN, FRITZ KUNKEL, MIYE MAE MURAKAMI, TSUTAKO SUMI and MUTSU SHIMIZU [183]

[Title of District Court and Cause]

AFFIDAVIT OF A. L. WIRIN

State of California

County of Los Angeles—ss.

A. L. Wirin, being first duly sworn, deposes and says: That he is attorney for the plaintiffs herein.

The defendants have heretofore caused to be filed with the Clerk of this Court an affidavit by Rosalie Hankey. Said affidavit (p. 2, line 4) refers to a study published by the University of California, of conditions at the Tule Lake Relocation Center, under the authorship of Dorothy S. Thomas and Richard Nishimoto. Said affiant further recites, in effect, that the observations of said affiant were submitted to said authors, and incorporated in said study.

Said study entitled "The Spoilage" is incorporated in this affidavit by reference, marked Exhibit "A" and submitted herewith as part of this affidavit.

For the convenience of the Court, extracts of said [184] study are set forth hereinbelow, also set forth hereinbelow are references to said study:

The general conclusions of said study pertaining to the causes of renunciations of citizenship by Tule Lake residents are thus set forth (p. 361) (all italics supplied):

“With mass renunciation of citizenship by Nisei and Kibei, the cycle which began with the evacuation was complete. Their parents had lost their hard-won foothold in the economic structure of America. They, themselves, had been deprived of rights which indoctrination in American schools had led them to believe inviolable. Charged with no offense, but victims of a *military misconception, they had suffered confinement behind barbed wire*. They had been stigmatized as disloyal on grounds often far removed from any criterion of political allegiance. They had been at the mercy of administrative agencies working at cross-purposes. They had yielded to parental compulsion in order to hold the family intact. They had been intimidated by the ruthless tactics of pressure groups in camp. They had become *terrified* by reports of the continuing hostility of the American public, and they had finally renounced their irreparably depreciated American citizenship.

“Many of them have since left the country, voluntarily, to take up life in defeated Japan. Others will remain in America, in the unprecedented [185] and ambiguous status of citizens who became aliens ineligible for citizenship in the land of their birth.”

References concerning the existence of violence, terror, and in some instances, murder, appear in Chapter X (p. 261), entitled “Informers, Suspicion, Beatings and Murder.”

Some of the beatings are described on p. 264 and p. 265. Threats of murder are recited at p. 268, the effect of the beatings considered at p. 269, the murder recounted at p. 271, threats of assassination are set forth at p. 273 and persons "were taken into protective custody" because of the fear of such assassination. The danger to the lives of many of the residents of the Center is set forth at p. 274. The continuance of the danger of violence is described at p. 276 so that those who had sought refuge felt that to leave said refuge was "equivalent to a death sentence" (p. 276). Even police officers in the Center, after the murder, heretofore referred to, were threatened and resigned under duress. (p. 277).

In Chapter XII, there is set forth, under the title "Resegregation," the nature and extent of "pressure tactics" prevalent in the Center. According to the study, certain residents of the Center "silenced their critics by physical violence or threats of violence" (p. 306); they used "terroristic tactics" (p. 307). Many residents "feared reprisals, they were afraid to say anything." (p. 313) At the camp, there was the constant fear of being forced to leave camp and resettle." (p. 315.) [186] According to one informant, "the majority of the people signed the petition under intimidation and ignorance." (p. 317) In soliciting signatures for certain petition, the Resegregationists "are also said to have used coercion and intimidation frequently." (p. 318.)

According to one resident: "I was pressured into signing up with the Resegregationist Group along with many others. We signed in order to prevent physical harm to ourselves and to the members of our family."

The Community Analyst reported that: "One aged anti-resegregationist was hit over the head and knocked unconscious (October 7)"

According to the study: "As was true in other periods of general tension in Tule Lake, the resurgence of violence was accompanied by widespread demoralization of the young people. Many cases of theft, vandalism, party crashing, and fist fights were reported. On the night of October 15, three elderly Issei returning from a meeting of a religious cult, were set upon by a gang of half a dozen young men. The men had refused to sign the resegregation petition and had advised other residents not to sign."

Further violence took place on October 30, (p. 319).

"Meanwhile, Resegregationist leaders became increasingly arrogant. At the *Sokoku* ceremony held in Block 84 (Ward VIII) on October 21, Kira is said to have incited the young man to violence and to have promised that he would take care of [187] them if they got into trouble. He quoted a Japanese proverb, which, while characteristically flexible in interpretation, could be translated to mean: 'To help the great cause, we have to kill those who stand in its way.' The connotation to most of the residents seemed to be that the opponents of the Resegregationists would be liquidated."

According to the study, "the underlying cause of this collective reaction (to give the appearance that they had applied or would apply for renunciation) was intimidation by the resegregationists and fear of violence." (p. 325)

The fear of terroristic tactics is mentioned again at p. 327.

Most directly relevant to the issue in the instant proceeding is Chapter XIII, entitled "Renunciation—Mass

Relinquishment of American Citizenship." Prior to the mass renunciations, according to the study, announcements made at the Tule Lake Center to the effect that the Center would be closed and that its occupants would be compelled to leave, resulted in "the immediate reaction of the Tule Lake residents was compounded of surprise, anxiety, doubt, and complacent rationalization."

Soon the "anxiety of the residents about their security increased" (p. 336). It was at this time that "resegregationist pressure upon the general population involved intensification of nationalistic activities, coercive and terroristic tactics directed against dissenters, and extensive propaganda."

Mental confusion and social pressure existed at this time. (p. 348) [188]

"The most prevalent explanation dealt with the pressure tactics of *Hokoku* and *Hoshi-dan* in forcing decisions to renounce upon members and unwilling nonmembers alike." (p. 353)

"There seemed to be a certain powerful group ruling the people of the center whom everyone feared." (p. 353)

According to the study "one out of five of the male renunciants and one out of four of the females were under 21 at the time of renunciation." (359)

The mass renunciations were "a collective phenomenon." (p. 360)

A. L. WIRIN

Subscribed and sworn to before me this 11th day of June, 1947.

(Seal) MRS. TOYEKO CHUMAN

Notary Public in and for the County of Los Angeles,
State of California

My Commission expires Sept. 10, 1956. [189]

AFFIDAVIT

State of California

County of Los Angeles—ss.

Louis M. Noyes being duly sworn, deposes and says, as follows:

I was employed by the U. S. Department of the Interior as Attorney on the staff of the Solicitor of the War Relocation Authority from September 15, 1944 until May 20, 1946. After being briefed for a period of approximately two weeks in the office of the Solicitor of the War Relocation Authority in Washington, D. C., I was assigned to the Tule Lake Segregation Center in Modoc County, California, where I arrived and assumed the duties of Project Attorney on October 6, 1944.

My general duties included rendering legal advice: to the Project Director, the chief Government administrative official in charge of the Tule Lake Segregation Center; to the Administrative staff on official problems; and to the evacuee residents of the Center on all legal problems excepting those in which the Federal Government was an adverse party. I also submitted periodic reports, usually weekly, to the W. R. A. Solicitor in Washington, D. C. concerning the problems handled and the general situation of the evacuees.

In addition, special duties were assigned to me which included:

(1) Acting as Chairman of the Leave Clearance Board in the conduct of leave clearance hearings for evacuee residents of the Tule Lake Segregation Center who applied for transfer to a Relocation Center.

(2) Reviewing evidence developed by the Internal Security Officers concerning violations of Federal and State penal laws and regulations; advising the Project Director on the appropriate measures to be taken in connection with such violations and collaborating with the State and Federal law enforcement officers. [190]

3. Presenting evidence and otherwise assisting in the conduct of disciplinary hearings for evacuee residents charged with breach of peace or violation of Project Regulations.

4. Preparing special Project Regulations and otherwise assisting in the formulation of appropriate measures for maintaining law and order.

5. Liaison in such programs as: the Immigration and Naturalization general screenings and deportation hearings for aliens; the Department of Justice, War Division hearings on applications for renunciation of citizenship; the War Department review hearings of appeals from individual exclusion orders; and the Department of Justice, War Division, mitigation hearings for renunciants who applied for release from detention.

I have read the forty-four page affidavit of John L. Burling filed in this suit, and am personally familiar with all of the circumstances and conditions which prevailed at the Tule Lake Segregation Center referred to in his affidavit. First, I wish to call attention to the seeming inconsistencies of Mr. Burling's affidavit dated November 8, 1946 and statements made by Mr. Burling on January 18, 1945 while he was at Tule Lake respecting the questions of coercion and intimidation practiced by some of the evacuee residents of the Center upon their fellow residents.

On page 33 of his affidavit Mr. Burling says, "As has been said, none of the contemporary statements made by responsible War Relocation Authority officials at Tule Lake indicate a belief that coercion was a significant factor in renunciation, and none of the contemporary reports which I have seen indicate this. It came to be the opinion of some of the persons in the War Relocation Authority, however, in the spring and summer of 1945, that coercion was a factor, although it was not clear that these persons also understood what the word 'coercion' means in contemplation of [191] law."

In an open letter dated Jan. 18, 1945 addressed to the Chairman of the Sokuji Kikoki Hoshi Dan, and the Chairman of the Kokoku Seinen Dan, Mr. Burling stated as follows: "I am well aware that your two organizations have put pressure on residents of this center to exert loyalty to Japan, and that in a number of cases physical violence was employed . . . It is as treasonable to coerce others into asserting loyalty to Japan here as it would be outside. All these activities will stop."

On page 28 of his affidavit Mr. Burling relates the fact that the unexpected flood of renunciation actions caused concern both in Tule Lake and in Washington, and Mr. Burling adds, "I devoted considerable effort in endeavoring to understand the reasons for this development since it was hoped that in some way this flood might be stopped and some of those persons who were not in fact disloyal but merely disgruntled, dissuaded from throwing away their citizenship. Accordingly, I talked at great length with Mr. Ray Best, the Director of the center, Mr. Louis M. Noyes, the War Relocation Attorney, at the center, the Chief of the Internal Security Guard, the men of the Guards themselves, to the Colonel commanding

the troops stationed immediately at the Camp gate, to his security officers, and the many other experienced persons at the center . . . at Tule Lake, and particularly talked also to Dr. Marvin Opler, an anthropologist who was employed by the War Relocation Authority as what was called a community analyst whose job was solely to gather unusual information concerning the community and to report on community trends . . . I also talked to ministers and social workers and doctors, and to Miss Rosalie Hankey, an anthropologist employed by the Evacuee Alien Resettlement Study under the offices of the University of California, and who not being a Government representative was able to talk to the residents of the center and to meet less reserve and resentment. [192] Both in Tule Lake and in Washington in addition, I read many of the reports filed on Tule Lake from sometime prior to the commencement of the renunciation hearings up to and including that period."

In connection with the foregoing statements of Mr. Burling, I wish to explain that I had been assigned by the Project Director to serve as his liaison officer, to assist Mr. Burling with respect to securing the necessary facilities and personnel to arrange for the scheduling of interviews and hearings from the first day that Mr. Burling arrived at the Tule Lake in early December, 1944, and during all the time that he remained at Tule Lake Center. On occasion of both his visits, Mr. Burling and I were in very close and intimate contact. Inasmuch as Mr. Burling was primarily concerned with the holding of hearings he had comparatively little time within which to familiarize himself with all of the details of the manifold problems which prevailed in the every-day life of an isolated community of over 18,000 people residing within

a man-proof barbed wire enclosure, and he therefore of necessity could secure only brief highlights as to the facts concerning the life and problems of evacuees in the Center, and personal opinions or conclusions of the various persons named in his affidavit. Many of us, from whom Mr. Burling gained whatever information he relates, did complain to him that in addition to the known leaders of the disloyal organizations, there was a group of unknowns behind the scene, advisers and strategists, who were much more powerful than the known leaders and members of the disloyal organizations, and that these unknown advisers and strategists employed force through the use of "goon" squads.

We explained to Mr. Burling that many assaults had been committed upon the evacuee residents of the Camp, who were loyal to the United States but that because of the nature of the evacuee community within the barbed wire enclosure, the victims of such assaults could not be induced to identify either their assaulters [193] or the persons whom they suspected of instigating the assaults. At no time did Mr. Burling or any member of his staff personally or through agents or investigators conduct any investigation whatsoever, concerning any of the leaders of the disloyal organizations, or conduct investigations for the purpose of identifying the unknown behind-the-scenes advisers and strategists, except through the means of interviews during and solely incidental to renunciation and enemy alien hearings. On the other hand, I was in daily contact with a substantial segment of the evacuee Camp population, the chief of the Internal Security, Internal Security Officers, the Colonel, Peace Officers (comprised of evacuee police) Dr. Marvin Opler and Miss Rosalie Hankey, the anthropologists, as well

as the heads of many W. R. A. department staff members of the various other service and administrative departments at the Center. To me, as well as to most all of the other members of the War Relocation Authority Staff at the Center, it was quite evident that a great sense of fear was exhibited among most of the evacuees in the center. At times we could perceive a state of terror on the part of the evacuees, usually occurring after some evacuees had been assaulted by other unidentified evacuees.

Within a short time after arriving at the Tule Lake Segregation Center, and primarily as a result of my daily contacts with individual evacuee residents and with various groups and representatives of groups, I observed that there existed among the evacuees a general attitude of unfriendliness towards, and distrust of, government personnel. The consensus of opinion among the W. R. A. administrative Staff as well as presumably disinterested persons such as Sheriff Sharp and District Attorney Charles Lederer of Modoc County, California, was that the unfriendly, distrustful attitude of the evacuees was due primarily to their detention behind man proof barbed wire enclosure and under armed military guard. On numerous occasions I was told by some of the more [194] articulate evacuee residents, that we of the government staff were their jailers and that it was only natural to bear a resentment towards one's jailers.

It must be borne in mind that the evacuee population of some 18,000 people residing within the confines of the barbed wire enclosure at the Tule Lake Segregation Center comprised a conglomerate community of persons from all walks of life living in close proximity with one another not by reason of freedom of choice or selection, but solely under a predetermined program prescribed for them

by the Government. There was no opportunity for the people to segregate themselves into separate communities such as exist in the normal urban and rural life. Families that had lived in isolated rural communities found themselves flanked by strange families from urban communities without their knowing the character or background of such neighbors. The fishermen from Terminal Island, the farmers from the central valley, the merchants from Seattle, Portland, San Francisco and Los Angeles, the gamblers, the lawyers and doctors, the academicians, and even the prostitutes and criminals were co-mingled into a conglomerate community. The result was that any ordinary, decent, law-abiding family found it unwise and "unhealthy," to engage in ideological and political disputes with next door neighbors who might have been, in their pre-evacuation days, terroristic gamblers or even criminal fugitives. In normal communities on the outside of the Segregation Center if a persons or families did not get along with their neighbors they were free to move into other communities or to merely have nothing to do with the unfriendly and undesirable neighbors; and in the event that the neighbors threatened or used force upon them they could call upon the local authorities for protection with comparative immunity from revenge or retribution. In the type of community which existed at the Tule Lake Segregation Center, it was impossible for the normal law-abiding family to ignore the [195] pressures, coercion or intimidation from their neighbors.

The life of the evacuees in such an abnormal community was further complicated by the fact that although both United States citizens and their enemy alien relatives were equally under detention, the enemy aliens had recourse for their grievances under the terms of the Geneva

Convention which was recognized by our Government as applicable to Japanese nationals residing within the W. R. A. centers for evacuees while grievances of the citizens could not be considered by the protecting power or our own State Department. Furthermore, in establishing Tule Lake as the segregation center for the expedient purpose of segregating the presumably disloyal evacuees into one camp, a great many loyal and law-abiding citizens as well as aliens, found it necessary to live in close proximity with others who openly declared themselves to be loyal to Japan. Those persons who openly professed loyalty to Japan were, in many cases, fanatical and irrational and without a doubt were more anxious to impress their fellow evacuees within the camp and themselves that they would be acceptable to the Japanese government in the event of repatriation or exchange to Japan. Most of such extremists repatriated to Japan during December 1945 and January 1946.

It seems extremely significant that there is no record of an attempted escape of any evacuee resident of the Tule Lake Center over the age of 18 although many opportunities for escape did exist. The only known case of an attempted escape by any residents of the center involved 3 minor youths who were at all times free to leave through the front gate, but who found it more exciting to leave by way of a canal running under a fence which was guarded by an armed sentry.

Under the conditions of such an abnormal community existence, the residents became more and more confused in their thinking and their sense of values became so distraught and degenerated that [196] they lost all concept of the realities of life. The resentment of many against evacuation and detention became transformed into a zeal

for repatriation or expatriation to Japan. It is my opinion that this zeal for return to Japan was a cumulation of an escape phobia. They regarded themselves as victims of racial discrimination whose only ultimate place of refuge was Japan where they would not be constantly reminded of the fact that "a Jap, is a Jap." This expression grew out of the statement "Once a Jap, always a Jap" which the residents attributed to General DeWitt and resented very bitterly.

As nearly as I was able to determine from personal interviews and investigations there were approximately 600 male adult evacuee center residents who had been either honorably discharged from the United States Army or transferred to the Reserves and released from military duty in February 1942. The certificates of honorable discharge gave as the reason for discharge "for the convenience of the Government." Many of these ex-servicemen stated to me that they resented their discharge very bitterly. They explained to me how they had pleaded in vain with their commanding officers for the opportunity to fight for the country of their birth and of which they were citizens and the only country to which they owed loyalty, the United States. They related with intense bitterness the humiliation of distrust implied by their certificate of honorable discharge with the inscription, I quote again, "For the convenience of the Government," and they told me how from a month to three months after returning to their homes they and their families were evacuated and herded into detention within assembly centers and later transferred to detention within relocation centers and how they were angered when they were then again ordered to register for Selective Service. One extremely bitter such ex-serviceman stated to me that he

told his commanding officer, "I know why I'm discharged. It's because I'm a Jap. Well, why don't you [197] discharge the Germans and the Italians, too? This is just as much my country as it is theirs, and if you don't let us fight for it and if you wouldn't let the Germans and Italians fight for our country, or the Irish, or some other nationality, who would there be to fight for this country?"

These resentful, discharged soldiers in voicing their resentments undoubtedly helped crystallize the belief among a great many of the other camp residents that they would never again be acceptable to our Government or our people.

This was the background for the growth and development of a militant, fanatical Japanese nationalistic movement within the camp that caused the unforeseen and unexpected stampede among the citizen residents to renounce their citizenship.

It was a matter of common knowledge to those who had the opportunity of observing at first hand the reactions and emotions of the evacuees in the Tule Lake Relocation Center that the resentful bitterness caused by the evacuation and the several years of detention, gradually changed into an emotion of pessimistic resignation to the fact that they were *persona non grata* to the American public and to the United States Government. Furthermore, most of the camp residents had lost their homes and their friends, and had been forced to liquidate, give away, or abandon, their farm equipment, merchandise and such other valuables and personal property as they had. Through no fault of their own even before evacuation they had been discriminated against because of their race and had been generally ostricized from the Caucasian society. Neither were they

allowed to enjoy political freedom in their pre-evacuation home communities for the aliens were not permitted to become citizens and the citizens were nearly all youngsters under the voting age. Since they were not afforded the opportunity of developing strong social ties within our peace-time society, and since they [198] did not enjoy political freedom and equality, they worked frugally and energetically to attain economic security for themselves and particularly for their children whom they hoped to see grow up to adulthood with the benefits of the highest attainable education and the full right of United States citizenship. Evacuation, therefore, in addition to subjecting them to the bitter and cruel outburst of racial discrimination also had the effect of severing the only strong roots which they were permitted to develop, namely; their economic roots. Having lost practically all economic security and having no social, political and economic hope for the future in this country, their thinking naturally turned to finding racial and social refuge and security in Japan the only other land known to them; the land of their ancestors and relatives.

The program of the government following evacuation had the effect of forcing the evacuees to choose between repatriation or expatriation to Japan or accepting the indignations and committing themselves to a future in this country which did not seem to offer them any hope whatsoever.

The purpose of the segregation program was allegedly to segregate the so-called "disloyal" from the loyal. Theoretically, all of the "disloyal" were to have been segregated to the Tule Lake Center, that being the only segregation center established by the War Relocation Authority. As a practical matter, it was necessary to resort to arbitrary

tests and standards having no legal or scientific basis in making a determination as to which of the evacuees were loyal and which were disloyal. The evacuee residents of the various relocation camps were classified as disloyal for the purpose of segregation primarily on the basis of either or both of these grounds: (1) If they answered the so-called "loyalty" question in the campwide registration questionnaire negatively or (2) If they had applied for repatriation or expatriation to Japan and had not cancelled such application before [199] the segregation census was taken. In addition to those classified as disloyal were permitted to voluntarily accompany the so-called disloyal members to the segregation centers. Furthermore, at the original Tule Lake Relocation Center a substantial percentage of the population which could not be classified as "disloyal" under the tests refused to move to other centers and in order to qualify themselves for continued residence at Tule Lake after it would become a segregation center, deliberately changed their answers to the so-called loyalty question from "Yes" to "no", or filed applications for repatriation or expatriation to Japan.

One of the consequences of the segregation program was the transferring to Tule Lake of most or nearly all of the disciplinary and administrative "problem children" from all of the other relocation centers thus greatly adding to the confusion and abnormality of the Tule Lake community. Among these were the alleged pro-Japanese agitators and leaders, some of whom imposed their authority and leadership upon a substantial portion of the bewildered and confused population.

The struggle for power and control among the would-be leaders was in general disregarded by the authorities as long as it did not interfere with the ordinary problems

of administration. There developed a strong compulsion among the evacuees to cling to the imaginary security within the barbed wire enclosure, and a consuming fear of possibly being compelled to another and more abhorrent readjustment into a community on the outside which they deemed hostile and dangerous. This fact is significant because it compelled the people to do a great many things to reassure themselves that they would not be eligible for release which meant to them eviction from the security of the camp. That, in turn, made it appear to many who were not aware of these confusing and conflicting emotions, that these people were affirming and reaffirming their loyalty to Japan and, therefore, affirmatively demonstrating [200] their disloyalty to the United States.

The November 1943 incident at the Tule Lake camp which Mr. Burling states was the principal cause for the enactment of the sub-section (i) of Section 401 of the Nationality Code resulted in a period of martial law and confinement within a stockade of some of the stronger and least fanatical community leaders.

As a result of the confusion and unrest which came about from a mass reshuffling of evacuees under the segregation program, a group quickly formed at the Tule Lake Segregation Center, calling themselves the true Japanese. This group took the position that Tule Lake was no place for loyal Americans or persons whom they termed "fence sitters." They circulated a petition which they called the petition for resegregation, and at the same time conducted an intense and bitter campaign for the expulsion from the segregation center of all persons whom

they deemed either loyal Americans or "fence sitters." Many people signed the resegregation petition solely in self-defense.

While the milder leaders were confined in the stockade, a man who was later identified as the principal organizer and leader of a developing under-cover strong-arm Japanese nationalistic movement, proceeded to take over leadership of the resegregation movement. This man had unusual ability in organizational strategy and in many tactics which can be identified only as similar to those employed by the Fascists and Nazis. He used the techniques of spell-binding oratory, of telling gross lies and of spreading rumors for the purpose of whipping up fear, hysteria, and mass obedience to his program and to himself. He seemed to have a fanatical zeal to whip the mass of people into a single controllable unit which he hoped to lead to Japan through an exchange of nationals via the exchange vessel the "Gripsholm." It is noteworthy that this man served in the United States Army during World War I and that he was a member of the American [201] Legion. He had gained fame as an organizer of the Fisherman's Union and as a lobbyist before the California State Legislature in connection with legislation relating to fishermen's rights. I am informed that this man had been reported to the Japanese Government as a leftist and possibly a Communist. I also learned that after he had firmly resolved to expatriate to Japan he embarked upon a course of action which would help him in overcoming the stigma of having served in the United States Army and having otherwise established for himself a record which might be repugnant to the authorities in Japan by proving to the authorities in Japan that he was loyal to Japan.

There were many cases of assaults that occurred during a period of several months before Mr. Burling arrived first at the Tule Lake Center in early December, 1944 and a number of assaults which occurred subsequent to his arrival, and during the entire period of the renunciation hearing program in January, February and March of 1945. It is quite possible that the administrative staff of the War Relocation Authority both at the Center and in Washington, including the affiant, at the time underestimated or misunderstood the significance of those acts of violence in their relation to the renunciation program, and perhaps overemphasis was placed upon other factors, such as mere confusion and mass hysteria, as being the principal contributing factors in causing the flood of renunciations.

A specific case of assault and violence which we did not relate to the renunciation program at the time it occurred but which subsequently we were able to definitely establish had such a relationship, was the serious knifing of a young man about 21 years of age by an Issei about 50 years old. A very thorough investigation of that knifing was conducted by the Internal Security Department and by the offices of the District Attorney and Sheriff of Modoc County, California. The victim and some [202] four youthful eye witnesses would not relate the full facts of the occurrence and at the time denied that there was any issue of camp politics or loyalty involved in the incident. Charles Lederer, the District Attorney, expressed the opinion that the victim and witnesses had been intimidated not to testify against the assailant. The charge against the attacker, of necessity, was reduced from assault with a deadly weapon to simple assault and the assailant was sentenced to a short term in the county jail

on a plea of guilty to the lesser charge. After he was sentenced and committed to jail, the victim and the four youthful eye witnesses as well as many residents in the general vicinity where the assault occurred petitioned and pleaded that the attacker be released from jail. Investigation revealed that coercion and intimidation was being exerted upon those people to aid in securing his release. However, it was not possible to learn the identity of any of the coercers and intimidators nor was it possible to learn the exact issues involved in that case. Don Sanborn, Senior Internal Security Officer in charge of the Colonial Peace officers, later stated that he had determined with reasonable certainty that the assailant was one of the most feared strong-arm men and one of the unofficial leaders of the Sokuji Kikoku Hoshi Dan. Mr. Sanborn requested that that man not be returned to camp from the Modoc County Jail, but if at all possible that he be transferred directly to an internment camp. Mr. Burling's staff was informed of that case and was requested to transfer the man to an internment camp upon completion of his sentence at the Modoc County jail. However, even though his status was that of an enemy alien, we were told that no recommendation could be made to the Attorney General for the internment of that man solely on the basis of our information and that only those who themselves told a Department of Justice hearing officer of loyalty to Japan or membership in a pro-Japanese organization would be interned. [203] As a consequence, the man was returned to the camp after serving his short sentence in the Modoc County Jail. After his return to the camp the Internal Security Officers reported that the assailant was said to be engaged in coercing and intimidating many families and individuals to renounce their

citizenship. The victim of the assault and his four friends were among those who renounced their citizenship. When I learned of the renunciation, I questioned these boys personally from time to time in an effort to learn the identity of other alleged terrorists, but found these boys frightened and unwilling to give me any information or even to discuss their personal experience with the assailant nor were they willing to discuss rumors regarding pressure and threats of violence exerted against them or other renunciants. I am informed that the victim of that man's assault and the four boys who witnesses the assault subsequently wrote letters to the Attorney General of the United States requesting cancellation of their renunciation of citizenship telling for the first time the full facts concerning the knifing incident and the subsequent intimidation and threats of physical violence which compelled them to renounce their citizenship.

On December 6, 1944, Mr. John L. Burling, Special Assistant to the Attorney General arrived at the Tule Lake Center and commenced hearings for Center residents who had applied to the Attorney General for renunciation of citizenship. Apparently the Department of Justice and the Authority had an advance understanding that the more troublesome and uncontrollable Center residents, whose identity Mr. Burling would determine on the basis of the hearings and information he secured from the W. R. A. Administration, would be removed to Department of Justice Internment Camps. Inasmuch as the Justice Department would take only enemy aliens,

Mr. Burling was concerned solely with troublemakers falling in the following three categories: [204]

1. Internees paroled to the Tule Lake Center;
2. Issei (original aliens); and
3. Renunciants (Citizens who renounced their citizenship and whose renunciation the Attorney General approved).

It was undoubtedly the intent of both the Authority and the Justice Department that removing the known leaders and more obstreperous members of the Japanese nationalistic groups would release the Center population from coercion and intimidation, thereby enabling the remaining people to make their own free decisions concerning repatriation or relocation. This was probably in anticipation of General Pratt's lifting of the Mass Exclusion Order. Unfortunately, the timing of the Justice Department's renunciation hearings and removals proved extremely ill timed from the standpoint of helping to free the residents from domination and terrorism at the hands of pro-Japanese leaders. Rumors of the impending lifting of the Mass Exclusion Order had apparently reached the Center residents and they were overcome by a sense of nervous tension, distrust, insecurity and a general state of fear. In December, 1944, immediately preceding the lifting of the Mass Exclusion Order, and during Mr. Burling's first series of hearings, the power of the Sokuji Kikoku Hoshi Dan and the Hokoku Seinen Dan was at its lowest state and it then seemed that these organizations would fade into utter insignificance. How-

ever, the Center residents were upset and confused by reason of the following three successive events:

- (1) The renunciation hearings from December 6 to 14, 1944.
- (2) The announcement of the lifting of the Mass Exclusion Order on December 18, 1944; and
- (3) The spectacular apprehension and removal to internment camps by the Department of Justice on December 27, 1944 of some seventy leaders of the Hoshi Dan and Seinen Dan.

As a consequence, the terrorists and propagandists gained a [205] stronger foothold than ever for their pro-Japanese organizations. The hush-hush which preceded these three events lead to general community fear of imaginary horrors, and the remaining leaders of the Hoshi-Seinan Dan immediately took advantage of that condition by embarking upon an intensive membership drive. They knew the people's fears of relocation, and fanned those fears into an hysterical pitch by spreading false rumors faster and more effectively than the Administration could refute and counteract.

It was the consensus of opinion among the members of the Administrative Staff, as well as among the more sober, intelligent and responsible evacuee residents, that the holding of renunciation hearings at the Tule Lake Center during January, February and March of 1945 was a most serious mistake. Without their first having been psychologically prepared for it, the Center residents were tragically confused and terrified by the sudden lifting of the Mass Exclusion Order, and as a consequence they were easily stampeded into believing the propagandists and terrorists that renunciation of membership was the only security they had against separation of citizen

members from alien members and the immediate drafting into the American Armed Forces of citizens males over the age of eighteen years. This latter rumor seemed to the residents to have been substantiated by the fact that although the renunciation Act did not specify an age minimum, Mr. Burling, while at the Center, announced that only citizens who had passed their eighteenth birthday would be permitted to apply for renunciation of their citizenship. The Department of Justice also played into the hands of the propagandists and terrorists by concentrating on the members of the Sokuji Kikoku Hoshi Dan, Hokoku Seinen Dan, and Hokoku Joshi Seinen Dan, thus leading credence to assertions of the leaders of those organizations that renunciation could only be secured by membership in such organizations. Once this mistaken notion took hold, all efforts on the part of the Administration [206] to discredit it were in vain, and incalculable harm resulted. Other factors which added to the state of confusion and fear were:

- (1) The sensationalized newspaper stories concerning terrorism against evacuees who returned to the West Coast.

- (2) The lack of information concerning the individual exclusion orders which were being served by the Western Defense Command Process Servers, and particularly the meaning and significance of the question "Have you applied for renunciation of your citizenship?" which was asked by the Process Servers of each excludee simultaneously with the service upon him of the Individual Exclusion Order. (This question let the residents to imagine that the government had a scheme in mind to trick them in the same way as they thought they had been tricked in the loyalty questionnaire.

That the stampede to renounce did not occur until after December 18 is substantiated by the fact that at the outset the comparatively small group of extremists and fanatics were the only ones who showed a desire to renounce their citizenship, but by the time the program ended more than 80% of all the citizens eligible to renounce went through the renunciation procedure. Even Mr. Burling was alarmed by the unexpected deluge of applications. However, he believed that the W. R. A. administration was to blame for the stampede arguing that the Center residents had been frightened by the W. R. A. announcement that all centers except Tule Lake would close by the end of 1945 and that in order to avoid the consequences of Center closing they sought war duration camps security by renouncing. The announcement that all relocation Centers except Tule Lake would be closed by the end of 1945 may have been a minor contributing factor to the renunciation stampede, but without a doubt the principal causes of the stampede were the choice of time and place at which the hearings were held, and the unrealistic attitude of many Government officials in regarding [207] the fanatical demonstrations of the Japanese nationalistic groups and the failure of the renunciation applicants to heed the admonitions of the Government officials, as conclusive proof that the renunciations were motivated solely by patriotic adherence to the Japanese Government. As stated elsewhere in this affidavit, the demonstrations and the stampede to renounce citizenship were, in the opinion of this affiant and in the opinion of many other Government officials and their observers of a hysterical nature and not based upon a conscious and free choice of loyalties. Unfortunately this opinion was neither shared nor given consideration by those who determined the time, place and procedure for holding the renunciation hearings.

The opinion expressed in the preceding paragraph was, in a measure later confirmed by many renunciants and by citizens who survived the mass political suicide psychosis. One of the most intelligent young men in the camp who was among the twenty per centum of the citizens who survived, said to me after the renunciation program ceased as he pointed to an equally intelligent, and I have no doubt, equally loyal young man, "There go I but for the grace of God, and for my very close contact with you and other members of the staff because of being employed in the Administrative area."

Towards the end of the renunciation hearing program, some of the renunciants began to come out of their psychotic state and called at my office for advice as to what steps they should take to cancel their renunciation. After the hearings closed and the hearing officers departed for Washington, D. C., my office was deluged with inquiries from renunciants who wanted to "renounce their renunciation of citizenship." All inquiries were referred to the Alien Enemy Control Unit of the Department of Justice in Washington, D. C. It is my understanding that a very substantial number of the renunciants wrote to Washington, D. C., requesting cancellation of their renunciation, and that a sizeable number even sent telegrams [208] to the Director of the Alien Enemy Control Unit stating their desire to cancel their renunciation after hearing unofficial reports that all renunciants would be deported to Japan.

LOUIS M. NOYES

Subscribed and sworn to before me this 11th day of August, 1947.

(Seal)

FRANK F. CHUMAN

Notary Public in and for the said County and State.

My Commission expires Mar. 28, 1950. [209]

AFFIDAVIT

State of California

County of Alameda—ss.

Robert H. Ross being duly sworn, deposes and says, as follows:

From October 16, 1944 to March 31, 1946, I was employed by the U. S. Department of the Interior, War Relocation Authority Segregation Center at Tule Lake, Modoc County, State of California. My official title was: Assistant Reports Officer, however, my duties included acting as the official administrative interpreter and as a liaison officer between the administrative personnel and the evacuees living in the center. As I was born and reared in Japan, being the son of an American missionary family, and as I have spent a total of eighteen years in Japan, I feel that I have a mastery of the spoken Japanese language.

Prior to my going to the W. R. A. Tule Lake Center, I had been an instructor of Japanese language at the U. S., Navy Oriental Language School at the University of Colorado, Boulder, Colorado, for a period of twenty-six months. My most recent trip to Japan was for a period of three years—from September 1938 to September 1941. By profession I am a college teacher in the field of the social sciences; I have an M.A., Degree in Sociology from the University of Southern California. At present I am teaching at the San Mateo Junior College, San Mateo, California.

The above personal background has been set down solely as evidence as to my qualifications for making the following observations concerning the situation obtaining at Tule Lake Center during the seventeen and a half

months during which time I was employed there as one of the administrative personnel. It was during these months that the renunciation hearings, mitigation hearings—both conducted by the Department of Justice—and other events which had a bearing upon the renunciations of United States citizenship in general, took place at Tule Lake Center. [210]

As official interpreter, I was present and participated in the following types of activities: Renunciation of citizenship hearings, which took place from December, 1944 until almost half way into the year 1945; trials, both criminal and political, held on the project and off the project at the Modoc County Superior Court—the political trials almost always involved leaders of the pro-Japanese patriotic organizations known as the Hoshi-dan (parent group) and Hokoku-dan (young men's organization); interviews and meetings in the company of the project attorney, Louis M. Noyes, the two assistant project directors, Harry L. Black and Martin P. Gunderson and others at which times certain evacuees—individually and in groups—were interrogated on certain issues related to the various center problems; meetings of the block managers organization which functioned as a central local administrative body within the colony; and mass meetings between administrative personnel and large groups of disloyal Japanese evacuees of both the first and second generation. On many occasions I visited here and there in the center, talking to evacuees of all types, ages and affiliations. Many of these conversations were carried on in the Japanese language.

One of my strongest convictions is as follows: There were many, many splendid American born young men and women of Japanese ancestry in the Tule Lake Center

who would not have renounced their United States Citizenship had it not been for the community mass hysteria which had been produced within the confines of the man-proof, barbed wire enclosure over a period sometimes extending over two to three years and which had insidiously penetrated the minds of these impressionable young men and women to such an extent that they had lost the ability to think logically and even rationally. These people could not think clearly because they were obsessed by fears—fear arising from intimidation, pressure and rumors; fear of bodily injury either to themselves or to their loved ones.

When one stops and considers the make-up of the human mind [211] and mental processes, one is forced to admit that there is only a very thin line marking the division between normal sanity and borderline mental neurosis or psychosis. In other words, it is hard to judge whether one is mentally normal or slightly neurotic. Under the environmental influences found to be prevalent at Tule Lake Center, it is quite natural for the impressionable minds of young men and women who were, in many instances, only in their later teens, to become slightly “off center” as it were. It was easy for these young people to lose their mental equilibrium in such a topsy-turvey world as the one in which they had been forcibly detained.

Many of these young renunciants of whom I speak had spent their sixteen and seventeenth years inside a barbed-wire enclosure, rubbing elbows at close range with the same people day after day, month after month. Rumors were rampant; started and spread by members

of the pro-Japan patriotic organizations mentioned above. There were even strong-armed gangs of fanatical young men going about at night, intimidating, threatening, attacking, beating and even threats of murder. The local evacuee "police" force within the colony were themselves afraid to take sides in political issues or to interfere in the activities of the "goose-stepping, bugle blowing, shouting, hoodlums" who so proudly called themselves "Sons of Nippon."

Pressure groups of these young, show-off hot-heads—fanatical scapegoats doing the "acting" while behind the scenes, "agitators," the undercover "brains," pulled the strings—made it impossible for loyal Japanese-American citizens to live peacefully with any degree of personal security or safety. (The "behind the scenes" men are termed, "advisors and strategists who were much more powerful than the known leaders and members of the disloyal organizations" according to Louis M. Noyes, former project attorney at Tule Lake. I quite agree with him in this matter.) The only way in which these loyal citizens could appease their tormentors was by renouncing their U. S. citizenship. [212]

The Hoshi-dan and the Hokoku-dan took advantage of every opportunity to misinterpret and garble the information circulated in the colony by both the Department of Justice and W. R. A. authorities. Reports from the outside press which told of the bitterness of West Coast residents toward the returning evacuees after the Army had rescinded the West Coast ban on people of Japanese

descent were played up to further frighten and misguide the residents of the center. Reports that evacuees were to be forced to leave the camp unless they renounced their citizenship were spread in the camp by these disloyal groups. All of this only added to the already confused atmosphere making the "pressure" all the more unbearable. Under this continuous psychological "war of nerves" even those who had tenaciously held on to their U. S. citizenship, finally, in sheer, final desperation were forced to report for their renunciation hearings.

The hearings were proceeding day after day during this period. Special transportation was made available to all who wished to renounce. The way was made easy. Like a mill, grinding on and on, the renunciation proceedings continued. The hearings often took only a few minutes. Many to whom I talked afterwards told me that it was not until after their hearings were over and they had returned to their barracks that they fully realized for the first time just what they had done. These people disavowed their U. S. citizenship on grounds far removed from any criterion of political allegiance.

In January, 1946, I did a good deal of the interpreting at the time of the mitigation hearings which were rehearings of certain renunciants who wished to remain in this country. At this time these people, most of whom were "stateless" persons, were given a chance to "show cause" why they should not be "removed to Japan." Many sad stories were told and many long, detailed notes were taken down by the Department of Justice stenog-

raphers which I [213] am certain would bear out my contention, as above stated, that a sizable number of those who renounced their citizenship did so with no feelings of disloyalty to this, their native country, but did so merely because they were victims of circumstances beyond their control, victims of the mass hysteria which swept the whole community. A heavy mist lay over the camp blotting out reality and rational thinking. These people really didn't know what was going on in the world at large. Radio broadcasts during the war had been interpreted to them by members of the disloyal groups as pure "propaganda." The newspapers carried conflicting stories. Statements by various government officials were confusing and often, to them at least, were inconsistent.

Living apart from the rest of the world for a period of from two to three years in such an environment as obtained at the Tule Lake Center from early in 1942 to the twentieth of March, 1946, would be more than many a strong minded person could bear without something happening to his mental outlook, regardless of race, color or creed. Tule Lake Center was the psychopathic ward of the War Relocation Authority.

Once removed from this camp and allowed to return to take up their places in the outside world's affairs brought these people again into the world of reality. Proper adjustments can be made by people who have been under severe mental strain once the causes of this strain are removed. These American born Japanese are

no exception. The readjustment problems are great and because these people now have no citizenship in any country their problems are just that much greater. It seems to me that worthy members of this group of renunciants—considered on the basis of individual merit—should be given back their United States citizenship.

May I call attention to a new book which has just been released by the University of California Press bearing the title: *The Spoilage*, by Dorothy S. Thomas and Richard Nishimoto. This book [214] is a sociological study made of the evacuation and resettlement problems of the Japanese Americans. The chapter headings in this book are as follows: "Evacuation, Detention, Registrations, Segregation, Revolt, Supression, Accommodation, Underground, Interlude, Informers, Incarceration, Resegregation, and Renunciation."

I submit the above statements after careful thought and with the appeal that this question before the court be considered carefully from every possible point of view before judgment is pronounced.

ROBERT H. ROSS,
16130 Via Alamitos,
San Lorenzo, California.

Subscribed and sworn to before me this 12 day of Dec., 1946.

ALYCE MAE STURGUS
Notary Public

My commission expires Apr. 6, 194..... [215]

[Title of District Court and Cause]

AFFIDAVIT OF HARRY L. BLACK

State of California

County of Merced—ss.

The affiant, Harry L. Black, whose permanent residence is 335 North Kenwood Street, Burbank, California, deposes and makes the following statement:

I was employed by agencies of the United States Government in duties related to the evacuation of persons of Japanese ancestry from the West Coast as follows:

From April 4, 1942, to May 25, 1942, as Assistant Manager of the Manzanar Assembly Center of the War-time Civil Control Administration at Manzanar, California. This period of employment extended from virtually the opening date of the Center until its transfer to the War Relocation Authority as one of its ten relocation centers.

From May 25, 1942, to November 1, 1942, as Center Manager of the Wartime Civil Control Administration assembly center at [216] Merced, California. This period of employment extended from some three weeks after the opening of the center until it was closed by the transfer of its entire population of Japanese ancestry to the relocation center of the War Relocation Authority at Granada, Colorado.

From September 13, 1943, to May 4, 1946, as Assistant Project Director of the Tule Lake Center of the War Relocation Authority at Tule Lake, Modoc County, California. This period of employment extended from the date of the first train movement of the segregation program to the close of the Center.

From the date of my entrance on duty at Tule Lake until November 1, 1944, I served as Assistant Project Director in charge of the Division of Community Management, which included such activities as Health, Welfare, Education, Internal Security, Community Activities, Business Enterprises and Community Analysis. From November 1, 1944, until the closing date of the Center, May 4, 1946, I served as Assistant Project Director in charge of the Division of Administrative Management which included such activities as Finance, Supply, Procurement, Property Management, Mess Operations, Evacuee Property, Statistics, Office Services, and Personnel. My duties during this time also included those of Project Hearing Officer, to hear and act on disciplinary cases in accordance with War Relocation Authority regulations. I also served as Acting Project Director in the absence of Mr. Best.

The above abstract of my employment is given to indicate the opportunity which I have had to become familiar with the whole program of the evacuation of persons of Japanese ancestry from the West Coast and with the complexities of administration presented in the operation of Tule Lake Center. Aside from being one of the largest centers under the jurisdiction of the War Relocation Authority, Tule Lake became a particular consideration for the W. R. A. when it was designated as the "Segregation Center," into [217] which would be assembled all the residents of all centers who were determined to be either loyal to Japan or of questionable loyalty to the United States.

I was not employed by the War Relocation Authority at the time preparations were being made for the segregation program, and particularly during the time when

determinations were being made in Tule Lake as to what residents would be transferred to other centers for ultimate relocation as being "loyal" to the United States; or as to what residents of other centers would be transferred to Tule Lake Center as being "loyal" to Japan. I do know that these determinations were made almost exclusively on the basis of "registration" in which process all residents of all centers, with the exception of minor children, were required to submit registration forms, the same as for Selective Service, and in which they were required to give answers to two questions which related to their loyalty to the United States.

I am not prepared to say whether or not this procedure for making the determination of what individuals and families should be gathered for segregation at Tule Lake and what individuals should become (or remain) residents of other centers was the best that could be devised. However, it must be remembered that under the pressure of public opinion, under the "yammering" of certain elements of the public press, and under the bedevilment of prominent officials, committees, and agencies of the government itself, the War Relocation Authority had to do a sorting job which affected some 110,000 residents of ten relocation centers within an inconscionably short space of time, and under a procedure so hurried, so inconsiderate of human exigencies, and so complicated by relationships with other government agencies, that no responsible official of the War Relocation Authority itself would maintain that a good job had been done. The utmost claim that could be made would be to the effect that it was the [218] best job that could be done under the circumstances. One can fearlessly challenge any other group, organization or agency to do a better job.

The inadequacy of the procedure can be simply illustrated. On the basis of the selection standards, of a total presegregation population of approximately 13,000 at Tule Lake, only 6,250 individuals and family members chose to go to some other center for ultimate relocation, while the remaining number of almost 7,000 chose to remain at Tule Lake and be regarded as "loyal" to Japan. On the basis of the same selection standards, only 131 individuals and family members among the pre-segregation population of 7,000 of the Granada (Colorado) Relocation Center chose to come to Tule Lake as segregants. In terms of percentage the same selective process found approximately 51.9% disloyal to the United States at Tule Lake, and only 1.8% at Granada.

The only justifiable conclusion is that factors other than the sole question of "loyalty" either to the United States or Japan were the motivating considerations when the residents were confronted with the necessity of giving some answer to the loyalty questions on the registration questionnaire. The most significant was that in general evacuees did not wish to move, and particularly residents of Tule Lake did not wish to be moved to any other relocation center, especially outside the state of California. Some other considerations, generally applicable to all centers are set forth with clarity in Mr. Burling's affidavit. There was an understandable anxiety on the part of some Issei to return to the homeland; the anxiety of adult children, either Nisei or Kibei, to maintain their family unity and not be separated from their parents; the fear of the Selective Service draft both on the part of eligibles and their family members; the dominance of the parents over their children; the feeling of failure and frustration over the loss of property and assets

representing a [219] lifetime of labor and saving through evacuation from pre-war homes; discrimination against the Japanese as compared to the treatment of residents of other enemy nationalities; the hopelessness of facing the necessity of starting again from scratch to make a living in a perhaps hostile community outside the West Coast zone where most had previously made their homes; the frustration and depression induced by living abnormal, regimented lives in an abnormal, regimented government center; the crowded, dismal barracks; the unpalatable food of the messhalls; the lack of privacy in the community lavatories and laundry rooms; the "concentration camp" atmosphere of the daily routine; and the feeling that the "rights of man" as applied to other citizens and other aliens did not apply to them.

Whatever else may be said, it is certain that the segregation program did bring together at Tule Lake, along with those who honestly felt an allegiance to Japan and to the Japanese Emperor, virtually all the trouble-makers, the malcontents, the factious, the rebellious and frustrated, the draft-dodgers, the fanatics, the social misfits, the professional "organizers," the petty "politicians" and "political" leaders, and their gangs of "goons" and "strong-arm" boys. To Tule Lake came the worst elements of all the other centers.

It should be helpful to understand the effect upon residents of the Japanese centers of the endless requirement of answering questions and filling out questionnaires. From the first registration required by General DeWitt under the terms of the evacuation order, the residents of the reception centers, the assembly centers, and finally the relocation centers were constantly beset with the necessity of providing—not once, but time and again—

information about themselves and their family members. The Army, the Department of Justice, the Wartime Civil Control Administration and the War Relocation Authority were only [220] the most important of the agencies which had to compile a mass of records and statistics. In the course of supplying all of this information, it would seem that most of the individuals and family heads were almost "questionnaired" to death. And in the course of this endless process of amassing records by questionnaires and interviews, it would be only natural for many a well-intentioned resident to arrive at the conclusion that much of the questioning was irrelevant and whatever answers were given were more or less immaterial. Ultimately, I am sure, many arrived at a point where their answers to questions were neither honest nor sincere. I hold this to be the case with the registration questionnaire. There is no doubt at all in the minds of many responsible former W. R. A. officials that in innumerable cases the failure to give the "Yes—Yes" answer to the loyalty questions was induced by other considerations other than a desire to answer truthfully, honestly and sincerely. The interviewee in instances without number obviously asked himself before answering: "What will happen to me if I say 'Yes'?" "What will happen if I say 'No'?" "What will happen to my family?" "Will I be sent to Arkansas?" "Will I be forced to go to some place I do not like?" "May I be allowed to remain here?" "Can I take my children with me?" And so on ad infinitum until the interviewee learns to get along by giving the "right," or the expedient answer rather than the honest, the true and the sincere answer. There is no doubt also that this philosophy and practice in respect to answering questions carried over in a measure

to interrogations regarding the renunciation of citizenship and the later mitigation hearings.

To add further confusion, the policies, the procedures, the programs and the plans of the governmental agencies, including W. R. A., the Army, and the Department of Justice, changed so frequently that the evacuees rarely knew what they could depend [221] upon. Furthermore the agencies were often not in position to make definite and mutually agreeable plans with the certainty of being able to go ahead and carry them out. For example, Mr. Burling makes an important point of the announcement made by the War Relocation Authority to the effect that its centers would be closed by January 1, 1946; and he dwells upon the effect this announcement had upon the number of applications for the renunciation of citizenship received by the Department of Justice. What Mr. Burling does not reveal is that if the Department of Justice had been willing and able to carry out the program the Director of the War Relocation Authority had reason to believe it would carry out, all of the relocation centers, including Tule Lake, could have been closed not later than January 1, 1946. The relocation program was always ahead of its announced schedule. Center after center closed on time, and some many days in advance of the scheduled date. And in the last days at Tule Lake, the relocation program was so close on the heels of the Department of Justice that it was held up only because the Department of Justice could not decide who it was going to intern and who it was not. And the last relocatable person went out the gate the same night that the last Department of Justice internment train pulled out. Some of the notifications of Department of Justice "releases" came so late that several individuals

were removed from the "internment" train after they had been searched, processed, and put aboard to go to the family internment camp at Crystal City, Texas, or the single men's camp at Santa Fe, New Mexico.

With this degree of wavering and indecision on the part of government agencies which had the responsibility to deal with the handling of evacuation, relocation, segregation, renunciation, mitigation, internment, expatriation, repatriation, it is certainly not difficult to understand how many evacuees got befuddled [222] in their own thinking. There were cases in which the Department of Justice had announced that all aliens of such and such list would be deported. These aliens induced their Nisei family members, sometimes adult and sometimes minors, sometimes by persuasion and sometimes by threats, intimidations, and even violence, to renounce their citizenship so that they could all go to Japan as a family, or at least all could be together whatever happened, only to find that ultimately the Department of Justice would determine that the alien parents would not be deported and that they should be relocated, while the now renunciant offspring would face deportation without their parents.

No one who is at all familiar with the history of Tule Lake Center, particularly subsequent to segregation, would attempt to minimize the turbulence of community life there. Mr. Burling's statement has not overdrawn the facts with respect to the period with which he assumes he be familiar. However, the turbulence extended much farther back. He makes casual and brief reference to some incidents to which major importance should be attached. The arrivals and departures of segregation trains occupied approximately one month before the completion of the first phase of segregation during which

the bulk of the transfers were made. Scarcely had the incoming segregants settled in their newly assigned quarters when there began a scramble for power and leadership within the colony (residential area). Two incoming contingents, one from Central Utah and one from Jerome, Arkansas, arrived with an organization already formed for seizing the political leadership of the colony. This leadership was desirable because it carried a certain influence in the assignment of jobs which were filled by evacuee employees. For instance, the job of block manager was a position of prestige and importance. Jobs in the hospital were desirable because of the privilege of special passes and the privilege of having some meals at the hospital mess. [223] Jobs in the block messhalls were desirable because of easy access to the best servings of food. Jobs in Mess Operations were desirable because of the opportunity to discriminate favorably in behalf of one's own block in the distribution of mess supplies. Jobs in the Motor Pool were desirable, especially if an employee liked to drive a truck or enjoyed riding on one. Jobs in the colonial police were desirable if one liked to be officious or bossy.

Aside from the two contingents which had come prepared to gain community leadership in the colony, there remained a considerable contingent of former Tule Lake residents who felt that they might retain the prerogatives of leadership for themselves. Recognizing at once the conflict of interests involved, the leaders of the three groups got together and decided to consolidate rather than fight one another. In the consolidation, however, it seemed that some ascendancy went to the Jerome group, and it was leaders from Jerome who headed the first anti-administration demonstration on the occasion of Mr. Myers' visit to the Center, November 1, 1943. The

leaders seized upon the occasion of a truck accident in which one evacuee farm worker lost his life to stir up trouble against the administration. They brought about a work stoppage on the farm and tried to initiate a series of bargaining conferences with the administration, the objective of which was to gain administration recognition for their group and to advance their prestige among the residents of the colony.

The climax of this effort came on November 1 when the group caused their henchmen, hand-picked "block representatives," to make a fake "official" announcement in all messhalls at noon that day that Mr. Dillon Myer would make a public address in the administration area at one o'clock. Quite naturally all residents were taken in by the unauthorized announcement, and all who could did come to the administration area to hear Mr. Myer's talk. [224] Newspapers later described this assembly as a "riot." It was far from that. It is true that the leaders' "goons" did round up stragglers from all corners of the colony and they made their best effort to see that the crowd was as large as possible. They even invaded the hospital to bring out workers to add to the size of the assembly. The intention of the leaders was to impress Mr. Myer and other members of the W. R. A. staff that this crowd of "followers" looked to them for leadership. They requested a conference with Mr. Myer. Mr. Myer had expected to meet with representatives groups from the colony and he saw no reason why he should not meet with the present group. So for two hours or more he conferred with the group in the office of the Project Director while the assembly of "followers" outside stood wearily and patiently waiting for the promised address from Mr. Myer. There were old men leaning on canes;

tired women with young children hanging to their skirts; young boys and girls wondering why they had to stay there instead of going home. There was no disorder in the crowd—none at all except at the hospital where the W. R. A. Medical Officer had been assaulted because he physically opposed the “goons” who invaded the hospital outside of visiting hours to get more workers to join the crowd outside.

The proceedings of the meeting with Mr. Myer are a matter of W. R. A. record. Mr. Myer declined to recognize the present group as the exclusive representatives of the population of the colony. He declined to entertain their “demands,” but said that he would be glad to have their suggestions and recommendations for better colony administration, and concluded by saying that he had the utmost confidence in the Project Director and that he would refer to him their suggestions and recommendations for whatever action he saw fit. Mr. Myer included the same comment in his remarks to the assembled residents after the meeting was over. [225]

Following the “hoax” calling of a mass meeting in the administration area, an order was published forbidding the assembly of unauthorized groups in the administration area. This order was violated the evening of November 4 when a group of about 50 young men did assemble in the administration area and attempted to interfere with trucks and drivers from the Motor Pool who were at work moving some commissary supplies from the warehouses to the farm for the use of a special crew which had been brought in from other centers to complete the harvest which the colony work stoppage had halted.

Members of the Internal Security (then only seven in number, and unarmed) attempted to send the group back

to the colony where they belonged. This attempt resulted in an encounter in which one Internal Security Officer and several evacuees were hurt. It was during this encounter that Mr. Best called Colonel Austin, of the Military Police, and asked him to come in and take charge in accordance with the Standard Operating Procedure between the W. R. A. and the Army. (It is noted that Mr. Burling's statement, by indirection, indicates that Mr. Best called the Military Police because he thought he himself was about to be attacked. This is only one of several instances in Mr. Burling's statement where he gives an erroneous impression by indirection.)

The Army control of the Center continued from November 4 until January 24. During that time a large number of arrests and apprehensions were made by the Army. Those arrested were placed under guard in a stockade, and later the stockade was enlarged to care for the larger number who were picked up and held by the Military Police. Additional man-proof fences were put up between the residential area and the hospital and between the hospital and the administration area. A larger Internal Security force was employed and the Officers provided with arms and patrol cars.

When these precautionary and security measures were [226] arranged, the Military Police turned the administration of the Center back to the W. R. A. on January 24. But they still held about 375 prisoners in the stockade, including all of the members of the self-constituted "Negotiating Committee" which engineered the meeting with Mr. Myer. Within a few days the administration also fell heir to the prisoners and had the task of screening and releasing the detainees from time to time as the attitude of the detainees themselves and the temper of the

colony warranted the release. It was June before the entire stockade group was released. By that time the influence of the leaders was dissipated, and their return to the colony caused scarcely a ripple of interest.

During all of this time the entire colony seethed with unrest. It was mainly a struggle between the fanatical and strongly pro-Japanese element which had given their support to the "Negotiating Committee" and a combination of elements made up of more conservative groups who felt that more could be gained by working with the administration than by demonstrating an attitude of conflict and antagonism. The friction between the groups was enduring and bitter, and resulted in numerous beatings and still more numerous threats of violence. The conservatives were generally on the defensive. They were not organized for fighting, had little resort to measures of violence except for self-protection in case of attack. They looked to the administrative officials for protection, and didn't always get it.

It should be pointed out, incidentally, that the War Relocation Authority was not a law-enforcing agency. The Center and its population were subject to the laws of local governmental agencies. We maintained a working relationship with the District Attorney of Modoc County and cases of importance were referred to him. On the other hand, the Project Director was delegated certain authority and responsibility for the maintenance of peace [227] and good order through the use of the Internal Security Force and the W. R. A. hearing procedure.

Through the Chief of Internal Security, the Project Director endeavored to get the colony to assume the responsibility of policing their own area by the employment

of a colonial police force of some 200 selected evacuees trained by the Internal Security officers and working under their supervision. However, the plan was not too successful because members of the colonial police department were just as susceptible to threats, intimidations and assaults as any other resident, and it was never possible to get the colonial police to take a stand or enforce rules and regulations in the face of "goon" squad threats, even though they might have had the passive approval and backing of the great majority of the loosely organized or entirely unorganized body of colony residents. The result was that any disorderly group or gang, such as the Wakayama gang, could throw the whole colonial police department into a complete paralysis. The membership of these gangs were well known, and no colonial police officer would place himself in the position of antagonism to a gang member. If, by the conscientious performance of duty, a colonial policeman should perhaps incur the favorite epithet of "inu" ("dog" or "informer") from one of the several gangs, the normal result would be for the policeman to resign, go into hiding, and thereafter make himself as inconspicuous as possible.

The next event which the trouble-makers seized upon to solidify their position was the murder of the general manager of the Business Enterprises, the evacuee cooperative organization which operated the monopoly business of providing commodities and services to the residents of the colony. Mr. Burling mentioned this incident. The murder was never solved. The motive is not officially known. It could have been a matter of private [228] revenge as indicated by Mr. Burling. It could have been the result of a family quarrel over business matters. Also it could have been because of the victim's prominence in the co-

operative organization and because of the organization's attitude of cooperation with the administration. It could have been because the general manager rebuffed a shake-down by followers of the "Negotiating Committee" when he refused a demand to supply without charge commodities from the store's stock to detainees in the stockade.

It doesn't particularly matter in the present instance what the motive was or who the murderer was. What does matter is that it set a pattern of violence over and above the ordinary beatings which took place from time to time, over and above the daily threats and intimidations which the organized minority used to dominate the unorganized majority. If Hitomi could be killed for any reason or for no reason at all, then the same thing could happen to anyone else. Everyone who remained in the colony found it best to see to it that he got along with any and all of the fanatic groups and their representatives. They better do what they are told to do and be quick about it. Furthermore, they better not talk. In all cases, it is best not to appear to be on too friendly terms with anyone in the administration. If the leaders of a fanatic group want a paper signed, then it better be signed; if they want 7,000 names on it, then there better be 7,000 names on it. It is common knowledge that blank petitions were signed by the hundreds by block residents of whole blocks without remonstrance. Hundreds of organization membership applications are known to have been signed without any question because a "shaved-head" shoved one out and said, "Sign here."

In such an atmosphere of terror, it is easy to see what would be the state of mind of many residents who wanted nothing more than to live in peace and security while they must perforce remain in the Center. Literally, hundreds

of older people, men [229] and women, fathers and mothers, joined the subversive societies because they were afraid not to. Likewise, they added their parental admonitions to the threats of fanatics to get their children to join the young men's and the young women's groups because they were afraid to incur the displeasure of the group's leaders. Literally hundreds of young people participated in the morning drills against their will, yet not daring to reveal their reluctance.

When the "Society for the Study of the Fatherland" was first organized in July and August of 1944, with the first meeting held August 8 in the auditorium of the high school, it had every characteristic of a bona fide association for the study of Japanese history and culture. Its leaders were known for their respectable standing in the community and for their cooperative attitude toward the administration. They submitted their constitution and their list of proposed officers to the administration for approval. Inasmuch as it appeared that sooner or later all of these people would make their home in Japan, it was reasonable that those people who had never been there should have some education to prepare them for living in Japan. The administration approved their organization and gave permission for the use of the high school auditorium for their monthly meetings.

Seizing another opportunity here, the subversive minded fanatics of the colony took over this organization, squeezed out the original leadership or shoved them into back seats, "reformed" the objectives of the society and turned it into the subversive and seditious organization that it was when Mr. Burling arrived on the scene. By that time the approval of the administration had been rescinded and the organization was no longer permitted

to make use of administration facilities for their meetings.

The young men's society, the "Hokoku Seinen Dan" was an outgrowth of the parent organization, fostered and developed by [230] the subversive leadership. The already trained "goons" or "strong-arm" boys were the nucleus of the young men's auxiliary. In a high-powered membership drive, and with the use of every kind of deception, intimidation and threat, the membership boomed. Likewise a girls' auxiliary was formed and developed along the same line. Some of the Japanese language schools fell into the hands of the subversive element and they were utilized for the dissemination of anti-American and pro-Japanese propaganda.

We in the administration were aware that these things were happening. We knew that many people, both young and old, were forced to join the subversive organizations against their will. We discussed these developments in staff meetings, and we realized the coercion which had been exercised to get many young men, otherwise and ordinarily known to be thoroughly Americanized, to join the "shaved-heads," and that by exactly the same means, many Americanized girls were coerced into membership in the "pig-tails."

Weekly reports were made by the Project Director concerning these activities to Mr. Myer and his staff in Washington. Similar reports were made by the Project Attorney for the attention of the W. R. A. Solicitor in Washington, with special emphasis given to features and factors which came under his purview. Periodic reports and special studies and analyses were made and submitted to Washington by the Community Analyst (Mr. Op-

ler) dealing with trends of community sentiment, feeling and interest, and dealing with the sway and surge of pressures caused by each new development of administration and each new political move of colony organizations and leaders. It was so utterly patent to us of the staff of the Center at Tule Lake and to the key people of the Washington staff that the practices and tactics of the trouble-making leaders was based on the idea of compelling other people to conform to their own ideas and programs that there was [231] little or no occasion to refer to these compulsions as arising out of coercion. The fanatical leaders gained and kept their followers either by persuasion or coercion. Those who followed by persuasion were of the kind and type of the leaders themselves. They were susceptible to the same feelings and attitudes and were of the material which provided the successive layers of leadership that came to the top as the transfers to internment camps progressed. Those who followed by coercion or compulsion, those who accepted the subversive leadership mainly in order to avoid trouble for themselves and their families, constituted an entirely different segment of the organizations' membership. They joined the groups because they were afraid to resist, and they fell into the pattern of un-American behavior because they felt that their safety, for the time being at least, lay in being on the good side of those who could make it tough on them. There were plenty of examples of how tough things could be made. There were cases of families being so harassed that they were compelled to move out of the block in which they had made their residence, only to find themselves so completely ostracized in their new block that there was no peace of mind for them. There were instances of dismissals and enforced resignations from evacuee jobs. Many times a whole

family was made to feel the pressure by being required to sit apart in the messhall and receive inferior servings of food while they winced under the crooked looks and muttered curses of those who had thus ostracized them. There were those who found their names prominently posted on the doors of the latrine with the threatening warning "You're next!" following an untoward events such as the Hitomi murder.

Since all concerned knew what was taking place, there was no need to make reference to such activities and practices as forms of "coercion"; and if Mr. Burling found little or no reference to terms implying coercion in the reports and records [232] of W. R. A., this is very obviously the reason.

Responsible officials of W. R. A. hold no brief for the hard core of the really voluntary and whole-hearted membership of the pro-Japanese organizations, nor for those non-members whose allegiance unquestionably and by choice rested with Japan. These included a large number of aliens who foresaw no future for themselves and their families but in Japan. They were truly loyal—most of them—to the land of their birth. Their hopes of making a better life for themselves and for their families in this new country had been dashed by the evacuation and by the subsequent treatment they had received at the hands of the country of their adoption. They included also a large number of Kibei, who were, in short, misfits either in Japan or in the United States. This is the group of approximately 2,000 whom Mr. Burling mistakenly describes as Nisei. Although American citizens by birth, they had been sent to Japan for the major portion of their education. Nisei really are first generation children of Japanese alien parents who have received their education in this

country. The Kibei group in this country are not wholly accepted as social equals either by the older Issei or the Nisei. With so little community acceptance in general terms, they found an outlet for their energy and activity by serving as hangers-on, as "goons," as "strong-arm" boys for political leaders who welcomed their assistance; and they also served as leaders of the "taiso" exercises, involving drills, calisthenics, marching and bugle-blowing, all in the fashion of military training.

We never believed that the Kibei group ever hoped or desired to serve in the Japanese Army. The records show too many cases of departures from Japan to come to this country just before the probable dates of induction into Japanese military service in the U. S. Army. There were draft dodgers on both sides of the conflict. [233]

Neither do responsible officials of W. R. A. hold a brief for a considerable number of Nisei who, without definite inner resistance, committed themselves to the cause of the Japanese super-patriots. There were a few of them—not many.

The group, however, which does elicit the sympathetic feeling is the group of Nisei who were impelled, decidedly against their reserved judgment and desires, and by forces which they were unable to withstand, to renounce a citizenship in the United States which they truly valued. They were not Japanese. They were not even "Japanesey." Their habits of living and thinking and working were American—not Japanese. And the best evidence in their behalf is that they weathered the violence of the Tule Lake storm, preserved their own physical safety and that of their family members and then later sought through the mitigation hearings permission for release

for the purpose of continuing to reside in this country even though it be with alien status.

Certainly not all of the Nisei of Tule Lake fell victims to the machinations of the subversive leaders. There were occasionally entire blocks where the strong leadership of two or three individuals protected the residents from the unwelcome inroads of Japanese super-patriotism. There were individual families and family members whose influence and standing in the community enabled them to stand safely on "the other side of the fence." After all, the subversive leaders and their "goons" were not altogether brave and fearless. Their penchant for exercising coercion and compulsion was tempered with an inclination to feel out the resistant strength and the vulnerability of the proposed victims, either singly or in groups. Thus, they realized that there were many whom they could not embroil. For example, the chef of the administrative mess was a burly figure of middle-aged man who had a wife and several children. An alien himself, [234] frustration and disappointment induced by the evacuation and its attendant pecuniary losses led him to determine to take his family with him to Japan, and the sooner the better. He was influential enough to get on the passenger list of the Gripsholm for its second exchange trip, but he and his family were among those left over when the ship loaded at New York. His remaining personal possessions were lost in the hold of the Gripsholm, while he and his family were sent first to Jerome and later Tule Lake. With this background it seemed that George would be a made-to-order leader among the pro-Japanese group. But George had other ideas. Each time he was approached, first with persuasion and political inducements and later with threats and intimidations, he stood on his own two

feet and sent the emissaries on their way: "Get to hell out of here! I'm busy! I got work to do! I don't want to be bothered!" Later it seemed that George's faith in the American way of life was restored, for he not only wanted to relocate, but he obtained the permission of the Department of Justice to be relocated.

It cannot be denied that the course of the war had much to do with the changing attitudes of Tule Lake's population. Not as a matter of sympathy, particularly, but rather as a matter of deliberate judgment, most of the segregants did not share the American confidence that Japan would ultimately lose the war. If the war continued to be a long-drawn-out struggle, if it came to an end by a negotiated peace, or if Japan were ultimately victorious, the pro-Japanese segregants felt they would have much to gain if they came to Japan without the taint of collaborationists. For that reason they were careful in many instances to get on record with the Spanish Embassy, representative of the protecting power, as much of the evidence as possible that they were not accepting complacently and passively their lot in the "American concentration camp." They wanted to be on record as [235] having created as many administrative difficulties for the American agency as possible. The more this kind of material appeared on the record, the better they were assured of a friendly acceptance at the hands of the Japanese, whether by chance they landed in Japan before the war was over, or whether by some chance Japanese forces could overrun this part of our country in the course of the struggle. Fantastically they had the confidence that whatever they did, good or bad, would make little difference in their treatment at the hands of Americans.

For the hard core of Japanese adherents the end of the war brought about the eventuality they had been looking forward to. Most were sent back to Japan, or at least to internment camps to be held for deportation. Though it is certain they did not find the kind of Japan they were looking for, the kind they thought they would find, there is no reason for us to be regretful of their lot. They got what was coming to them, as well as what they were looking for. They were not fit to be citizens of this country, regardless of their nationality.

However, for the large group made up of unwilling organization members and followers whom the turn of events released from the terror bondage of the fanatics, there is room for sympathy and compassion. In ever increasing numbers, as soon as the pressure was eased and they could again follow their own inclinations, they rushed to do what they wanted to do—effect, if possible, the cancellation of their citizenship renunciation, or at least gain approval of the Department of Justice for their continued residence in this country. More than 3,000 Nisei renunciants, who had gone through the act of abandoning their American citizenship now sought to recover what they could of American privileges, principally the privilege of remaining in this country. Of less pressing, though not necessarily if secondary, ultimate importance, was the matter of regaining their full [236] AMERICAN CITIZENSHIP. Thus the flood of application for “mitigation” hearings bore down upon the Department of Justice with the same force as the first flood of applications for renunciation. Only this time there was no sinister body of fanatics wielding terror over them as real and actual as if there had been a club at the head or a knife at the back.

The process and program of relocating people from W. R. A. Centers was mainly a job of education. Mr. Burling points out that the resistance which developed in all centers toward the relocation threatened to stall the program. It seemed the W. R. A. had set for itself an insuperable task when it announced the schedule for center closing. Certainly there was resistance of American communities toward the acceptance of relocatees whose "undesirability" had been ballyhooed from one end of the country to the other by the more sensational newspapers. However, the education program of the W. R. A. field offices did overcome this resistance and as time went on there were more good job offers for relocatees than ever could be filled.

Likewise the evacuee resistance to the relocation program was overcome by the process of education carried on within the centers. That the program was successful is now a matter of history. Even California, the hotbed of anti-Japanese feeling and the scene of many instances of irresponsible civilian terrorism, came to accept large numbers of returning evacuees, who, in turn, overcame their quondam fear to the extent of returning to their former homes.

I cannot help mentioning a considerable reservation I feel concerning the qualifications of Mr. Burling to speak as an authority on the Japanese, particularly at Tule Lake. He was there only for two brief periods, and he saw mainly a show that was put on for his special benefit. It would be difficult for the Department of Justice people, under Mr. Burling's leadership, [237] to have provided a program better made to order for the purpose of the subversive elements of the Center. And be it said, they took fullest advantage of it. They knew the moves he

would make after the first two or three interviews he had held. They knew the program of renunciation hearings as he carried it out. They established a "College of Renunciation Knowledge" and carefully coached those called for hearings on the questions which were to be asked and the answers to be given. Specific instructions were given on what to say and how to act. A definite impression was to be made and they knew how to make it.

It is small wonder then that Mr. Burling came out with his own coined wisecrack (attributed by him to W. R. A. staff members) to the effect that the Project Direct should fire all of his staff and replace them with employees who had had some experience in a mental institution.

To add to his difficulties, Mr. Burling was so definitely impressed with the show that had been put on for him that he issued a long statement, mimeographed, signed and distributed house to house in the colony in which he detailed his observations, and stated, among other things, that the activities which he had observed were illegal, subversive, seditious, treasonable and criminal—and he decreed within the statement that these described activities *Would Cease!!*

We read this official pronouncement of Mr. Burling's with some elation. I have stated previously that W. R. A. was not a law-enforcing agency. We were glad therefore when a representative of an agency whose important responsibility was that of law enforcement did finally realize that violations of the law were taking place and we felt assured that, having decreed that such activities "Will Cease," he would take steps to see that his directions were given effect.

We had frequently discussed in staff meetings the feasibility [238] of getting an agent of the Department of Justice to make an on the spot investigation of the activities of groups we deemed subversive and seditious. I saw no good reason why a competent investigation could not gather evidence to warrant criminal charges and prosecution in federal court. And I felt that a warrantable penitentiary sentence for an alien on a charge of sedition or subversive activity, or for a citizen on a charge of treasonable activity would go much farther to produce a salutary effect at Tule Lake than the inconsequential and picaresque disciplinary actions which came within the authority of the Project Director under the disciplinary regulations of W. R. A. We were allowed to break up meetings, confiscate bugles, headbands and sweatshirts bearing insignia or organizations, and apply a jail sentence not to exceed 90 days for each proven offense. Such punishments were inadequate in the face of the situation. We could not have established an effective control of the subversive activities even if we had dealt as many maximum jail sentences as the Department of Justice ultimately applied internment orders.

Even though this statement has attempted to go somewhat into detail as to the underlying influences and pressures which existed at Tule Lake at a time when they so clearly influenced the rush of applications for the renunciation of citizenship, the background is still very sketchy. It is impossible to bring out the full picture within the framework of this statement, even if the writer had the ability to do so. The main point is, and I am very emphatic about this: Whatever the definition of "coercion" in legal parlance, there was as much compulsion, as much outside impetus, as much influence of terrorism at work

on the subjects when they were closeted with the hearing officer and the stenographer in the hearing room as if a shadowy "shave-head" had been standing behind them with a club. These subjects [239] had no assurance or belief that what they did or what they said would not come to the knowledge of those who dominated them. They were afraid not to do what they had been told to do, and they were afraid to report falsely what had actually taken place. They had to act out the part, however, they may have felt about it. And they understood far better than any of the hearing officers appreciated what it was that they were doing, because the hearing officers were merely concerned with the question of whether the subjects understood what was happening to them as they went through the renunciation procedure. How much more the subjects really understood!

By granting somewhat over 3,000 renunciants a mitigation to waive deportation and permit their resettlement in this country as aliens under the law, the Department of Justice has demonstrated a conviction that their presence in this country constitutes no danger to the national security of the United States. If the victims of this tragedy, in these better and calmer times, are not able to repair the damage which they have done to themselves under the stress which I have described, then I have the conviction that there is something inequitable in the law or in the application of the law.

HARRY L. BLACK

Subscribed and sworn to before me this 9th day of August, 1947.

(Seal)

MAMIE F. ROBIELY

Notary Public in and for the County of Merced,
State of California. [240]

[Title of District Court and Cause]

AFFIDAVIT OF DR. MARVIN K. OPLER

State of California

County of San Joaquin—ss.

Marvin K. Opler, being first duly sworn, deposes and says: I am a Professor of Sociology and Anthropology at Occidental College in Los Angeles. From May 24, 1943 to April of 1946, inclusive, I was employed by the War Relocation Authority (most recently under the United States Department of Interior). I was in residence throughout that entire period of three (3) years at the Tule Lake Relocation Center in Northern California. I had previously worked for a brief period for the National War Labor Board, and was, therefore, not unaware of the workings of the government agencies prior to this experience in the War Relocation Authority. In May of 1946, I was transferred to the Washington Office of the War Relocation Authority after Tule Lake closed, and again, as Social Science [241] Analyst. In fact, the bulk of my experience has been that of a social scientist, and I have taught also at Reed College in Portland, Oregon, and at the University of Colorado at Boulder. To complete the process of identification, I might add that I hold my degrees in the fields of Anthropology and Sociology from the University of Michigan at Ann Arbor and from Columbia University in New York City for the Doctorate. My studies have ranged from sub-arctic studies under the explorer and geographer, Stefansson, to American Indian Tribes on reservations in the Southwest, and to community groups in American cities.

In fact, the bulk of my field experience, which I believe aided in later understanding the total problems of

Tule Lake, was very largely in the field of what is technically known as the acculturation process, wherein one is concerned primarily with what happens to peoples of varying cultural background under the impact of different cultures and of governmental and administrative programs. I had studied modern Reservation situations for Commissioner John Collier and others of the United States Bureau of Indian Affairs and there found matters of mass response and social psychology paramount in importance. I should add that these efforts were supported over a period of years by national foundations like the Social Science Research Council and by Columbia University. I state these credentials merely to emphasize the fact that I am not typically employed in government agencies, have as motivations the usual ones of the social scientist, and unlike Mr. John Burling, whose contrasting affidavit I have read, was never placed in charge nor made responsible administratively for the renunciation program, dealing with persons of Japanese ancestry, but of American citizenship. Rather, as Mr. John Burling himself described my function, I was an anthropologist and happened to be present at renunciation hearings. In his words, my work was solely "to gather social information concerning the community and to report on community trends." [242]

Mr. Burling, by contrast, was part of the administrative personnel of the Justice Department and, what is to my mind more significant, largely responsible for both the nature and the progress of the program of renunciation under discussion. While I have the greatest respect for his credentials in law and legal enforcement, which happens to be his field of training and practice, I feel, and then felt, certain limitations in his training and back-

ground in the realms of social and psychological affairs. While, to be sure, many attorneys are relatively free of such limitations, Mr. Burling's account of renunciation and his conduct of that program make no mention of, or use of, the socially valid factors in the program of which he was in charge. Against his residence at the Tule Lake Relocation Center, which aggregated three (3) months at the most, I set my three (3) years of experience, preceded by experience in other similar and also socially and psychologically relevant field situations. Against his brief comments on the nature of the mass responses involved in Tule Lake renunciation—forty-five (45) pages in all,—I set my file on Tule Lake, comprising thousands of typed pages now committed to the official repositories of the National Archives of the Library of Congress and of the University of California at Berkeley. Both his affidavit of forty-five (45) pages, and my file, which is available at Berkeley for consultation, deal in part with the background and specific history of the renunciation program. Against the fact of his administrative responsibility in the conduct of the program and his obviously personal concern in the outcome of this case, I set my impartial position as Social Science Analyst, with the War Relocation Authority, which involved factual and scientific criticism of the functioning of all three agencies, the Department of Justice, the War Relocation Authority, in which I was employed, and the Army, each of which was, at points, crucially involved in the handling of the Tule Lake situation. I submit, therefore, that in the remarks to follow, [243] I have no axe to grind save that of an impartial social science investigator, whereas, as is well-known in governmental administrative programs, the administrator has always the problem of justifying his procedures and

would, of course, have, however unconsciously, such motivations impelling him, particularly where matters of personal accomplishment are complicated, as in the present case, by processes of litigation.

There is one further point, before making a generalizing comment on the renunciation program at Tule Lake which Mr. Burling largely administered. In comparing his forty-five (45) page brief with my file duplicated in National Archives and at Berkeley, I have in mind the fact that his is written under the date of November, 1946, and either just before or after his resignation from the Department of Justice. At any rate, there can be no doubt that the Burling affidavit occurs in present circumstances of litigation; whereas, my file was a contemporaneous and running comment on all programs, including renunciation, written throughout the course of this program, reaching back into evacuee history for about two (2) years preceding the program, and in no case revised for purposes of "Sunday-morning quarter-backing" at this present juncture. As such, I feel the forty-five (45) pages may well fall under the general description of post facto judgment. I find this judgment substantiated by certain inaccuracies in Mr. Burling's forty-five (45) pages of comment "after the event"; as where he states on page 22 of the copy which I consulted that I heard, at most, twenty (20) cases out of more than 5,000 renunciation hearings. Beside my file of thousands of pages in the National Archives, I have a personal file of raw data, and notes which I am using in writing a more elaborate account in book form; and these materials from Tule Lake, remind me further that I recorded at the time of the hearings notes on about twenty cases in the first two days when I personally sat in with Mr. Burling on

his own first hearings, as observer. The persons and [244] hearings, which I personally witnessed reached beyond this period, both in time and in extent to the point where by attending hearings, not only with Mr. Burling, but with other named hearing officers, Mr. Rothstein and Mr. Shevlin, which were conducted week after week, sometimes attended mornings, sometimes attended afternoons and sometimes attended for whole days, the total number amount to about 2,000 hearings involved in my experience. Hearings I checked on in addition also come under the heading of those which I obtained indirectly, but in description through interview with subjects in the Center, largely as to what the content and procedure of their hearings had been. This portion of notes on hearings, not witnessed, however, is minor and I feel that most of the 2,000 or so may safely be said to have been witnessed by myself, in person. I conclude, therefore on this point, that Mr. Burling not only minimizes my observations, but in reducing them one hundred times in extent sets up his testimony as the only relevant experience. Mr. Burling states that no other War Relocation Authority employee was present at hearings and forgets that others beside myself served as translators, one, for example, from the Internal Security Department and Translating Staff of the Relocation Authority. A particular employee of this category, it was later discovered, so distorted statements made orally and originally in Japanese,—out of motivations of prejudice, that the Authority later terminated her services. Undoubtedly, hundreds of hearings yet stand in the records as mute testimony of her malice and venom. Mr. Burling possibly forgets these circumstances of which officials of the Department of Justice were advised I am sure.

I should add here that in the close and narrow community other administrative personnel, in categories of teacher, of Caucasian church leader, of social worker, of maintenance worker, of Project Director, Assistant Project Director, etc., heard in great detail from evacuees both as to the nature of their hearings and as [245] to motivations which prompted their responses behind closed doors. In thousands of mitigation hearings where renunciants later appeared, the testimony of these persons was accepted by Mr. Burling's office as valid. What disturbs me particularly is that Mr. Burling's affidavit would have us believe that at Tule Lake, out of a population of 18,000, practically all the eligible American citizens to the tune of more than 5,000 young persons would have renounced American citizenship through feelings of disloyalty and not because of the well-known factors of coercion, mass hysteria or mass compulsion, isolation, rumors, fear of physical threats, feelings of discrimination, and all the general emotional factors and excitation which were later recognized and which administrative personnel, some of them in this city, hold as common opinion. In Los Angeles now, Mr. Louis Noyes, Project Attorney and Mr. Bernard Shallit, Relocation officer, could further substantiate these views. Apparently, Mr. Burling would have the Court believe that 5,000 eligibles out of 18,000 persons is the measure of loyalty in one government-run town of impounded people,—whereas, in the country at large, where the population is 130,000,000, there were only about a score of such renunciations outside the Tule Lake Center, patterned much more individualistically and in accordance with real personal needs and desires. If Mr. Burling insists that Japanese ancestry involves a species markedly different from German or Italian, I should

be glad to revise my figures to 5,000 eligibles out of 110,000 evacuees and to contrast this ratio with the one or two millions in the latter categories. Mr. Burling would then have us believe that at Tule Lake we had a special species of genus *Homo*, and that there for reasons not explained but implied to be subversion and disloyalty, the entire citizen population would have, in normal frame of mind, renounced American citizenship. He tells us, on page 3, that "few of the persons segregated" were made to do so. I believe it is fundamentally in opposition to the spirit of our democracy and to the [246] general ideals under which the Department of Justice normally functions to make any such assumption. He tells us on an earlier page that over 6,000 original Tuleans simply opposed movement and hence were obviously "loyal" residents of the Center. Surely the cold statistical contrast between an impounded population of 18,000 where all citizens renounced behind barbed wire and outside the normal stream of American life, and the twenty people throughout a nation of 130,000,000 who so acted, raises a question which cannot be properly answered without recourse to the specific and unusual conditions under which the 18,000 lived. The more than 6,000 Tuleans Mr. Burling mentions who refused movement did so only after the third or fourth move in two years. I submit that the only other possible explanation Mr. Burling allows himself, and the one to which he seems unconsciously to subscribe involves a continuance of racist and discriminatory thinking which in this case would hold to the time-honored dictum of General DeWitt, that, "A Jap is a Jap."

There is no middle way between the horns of this dilemma. It is now common knowledge that these 6,000 "loyal" Tuleans were joined by thousands from other centers.

Either the conditions of governmental duress, internal coercion and psychological compulsion explain the action of the "loyals" renouncing in the total number of 6,000 (not 4,000 as Mr. Burling later opines), or we must assume that in skin and bones and hair, there were always the seeds of national affiliation. The Nationality Code, under which, as a subsection (i) of Section 401 this renunciation program operated in wartime, has as a basic principle the granting of citizenship by place of birth. It is this very principle which Mr. Burling would hope to contravene by insisting on the operation of a renunciation program where terror, assault, rumor, coercion and duress played the significant roles.

On page 6 of his Opus, designed to describe the tainted air at Tule Lake, Mr. Burling quotes approvingly the testimony of [247] some former War Relocation Authority employees rounded up by the small but vocal Committee of the California Legislature. It might be instructive to add that these same people are credited in War Relocation Files as having seen oil-soaked rags and knives on the famous 1st of November incident of 1943. It is known now by virtue of affidavits signed by all employees of Tule Lake Center at the time (over 100) that their testimony was perjured by groundless fears and prejudices. In the light of over 100 eye-witness accounts which cross-check we may now discount such evidence, long since discounted by Clair Engel and others of the original committee.

Fortunately, the Nationality Law does not stress racial characteristics; nor does it emphasize the question of where a group within this country had in earlier generations its national origin. I am, of course, aware that the Japanese Issei (or the first generation group) are still

held ineligible for the process of becoming citizens and, further, regard this situation, at variance with that of foreign-born Hindus and Chinese, as a discriminatory bar. However, as concerns citizens there is no doubt that citizenship in this Code has already generally been interpreted 'in the geographical sense of birthright and not in any racist conception. I for one should be alarmed to see the Renunciation Law contravene in spirit and effects the Nationality Code of which it is a most dubious and extremist portion.

Mr. Burling's current philosophy on nationality would, it seems to me, if carried to its logical conclusion, subvert this principle of geographically determined birthright to the lesser interests of one which stresses the blood and bones and hair theorems of erstwhile undemocratic countries—notably Nazi Germany and Japan. If one holds otherwise, namely, that the renunciation law was equal in its effect throughout the country and merely netted the catch of 6,000 customers at Tule Lake because there the nation's total quota or ratio of "disloyals" was confined, one assumes again, however [248] unconsciously, that peoples of German ancestry, peoples of Italian ancestry, and even those of Hungarian ancestry are, in all cases, more amenable to the ways and ideals of democracy in second generation groups than are those who come under the label of our national minority of Japanese ancestry. I feel such thinking is equally as discriminatory, as separatist, and as racist, as the blithe contention, now famous, of General DeWitt that "A Jap is a Jap." I am reminded at this point that Mr. Burling himself admitted to me that the Renunciation Act which he was delegated to draft and put into operation, was the result of racist and discriminatory pressures upon the Justice Depart-

ment to de-nationalize American citizens of Japanese ancestry.

Personally, I find the opinion of social scientists and of democratically-minded people to the contrary, much more acceptable. We all know that in the ten centers to which 110,000 persons of Japanese ancestry were committed for periods of several years, we had, in essence, both artificial and transient communities, housing in barrack-apartments lacking privacy, people who easily could be termed "people under stress." While this initial fact is granted in part by Mr. Burling, the consequences which flow from it are hardly realized. On this question, I should state that "people under stress" include those 19,000 found at Tule Lake in the spring of 1944. Mr. Burling on page 6 refers approvingly to the Dies Committee as critical of the situation at this center "as it then existed." Is he unaware that Congressman Eberharter, of this Committee, pointed out that the Committee as a whole, and with few exceptions, had been gunning for the War Relocation Authority for some time before the Spring of 1944? Congressman Eberharter took the Committee to task on this matter as having been riddled with prejudice. The concensus of all published opinion is that it was. As a matter of fact, in the Spring of 1946, just two years later, the W. R. A. Director, Mr. Dillon S. Myer, received the Presidential Citation and Order of Merit [249] for meritorious wartime services which had ostensibly been "investigated" in the Spring of 1944.

The Tule Lake population, like all "people under stress" living uniformly in an abnormal environment and subjected to a complicated maze of specially designed governmental restrictions, programs and regulations, generally developed a mass or stereotyped set of reactions and senti-

ments which reflected the conditions under which they lived. While individual pressure groups and prejudiced-minded men busily raised the racist bugaboo, certainly no government department, particularly that concerned with Justice, should ignore the effects of "reservation life" upon a people who were uprooted, moved from center to center, or, as Mr. Burling described and as he said, economically disadvantaged and consistently attacked even in the newsprint which they read by hysterical forces such as are engendered in any wartime society. The hearing officers at the time of renunciations repeatedly alluded to the fixed and stereotyped reactions and responses which I noted also on the part of renunces. It is futile to state now that doors were closed and hearings private. The hearings were held in Tule Lake Center. So long as they were held there, the abnormal conditions of Center life prevailed and could be noted in mass responses, mass fears and mass hysteria.

The specific conditions of Tule Lake Center, before, during and after renunciation, were decidedly worse for the individual resident than Mr. Burling is willing to admit. In an affidavit filed, apparently, on behalf of the Department of Justice, Miss Rosalie Hankey of the Evacuation and Resettlement Study of the University of California goes far to document this point. It is true that Miss Hankey, on page 46 of her affidavit states: "The threat of immediate physical violence . . . was a relatively minor motivation toward renunciation." But she speaks, on page 3, of the same manuscript of "terrorists and persons guilty of violent assault," "of the lack of privacy" from which no one escaped, of beatings and assaults, and [250] the murder of Mr. Hitomi. On Page 4, she alludes to a center contact, or informant, "alleged to control a

gang of terrorists," on page 5 of "pro-Japanese pressure groups," (all of which are now across the Pacific and in Japan). These groups are ones which Miss Hankey admits, at other points in her complicated document, were dealt with by the W. R. A. Administration and certainly well known to the W. R. A. Several of these individuals were known to Project Administration and their avowed purposes, also no mystery, are well documented in the W. R. A. files. As I wrote at the time, it was primarily the poor timing of the renunciation program which gave them the occasion for exerting pressures on all project inmates and surely Mr. Burling must be aware of the suggestion of the W. R. A. (myself included) to call off the program of renunciation, now not merely proceeding in a setting of governmental detention and duress, but under the most violent and terroristic center conditions imaginable.

But Miss Hankey goes on: "Individuals and groups," she says on page 8 of her affidavit, "vacillated constantly as they were swayed by events, news, and rumors." On Page 9, "prolonged insecurity and indecision may unbalance even individuals who possess great mental stability" and the Tule Lake people, at the time of renunciation had been subjected to a state of governmentally-imposed duress and indecision for four long years. "They were predisposed to fall into mass anxiety which on several occasions rose to panic," she states, and then, on pages 14 to 17 describes the excitement, confusion, turmoil and assaults which characterized the renouncing pressure groups and their effects on center residents. While in these statements, Miss Hankey draws out a part of the description of Tule Lake, I should add that throughout this period I collected in equal amount, if not greater,

statements of loyal young Japanese-Americans who throughout this period of pressures, threats, and coercion, and in some cases "immediate physical violence" found the way out by the ritual of citizenship-renunciation. For what I feel [251] is Miss Hankey's tendency to draw out sensational statements rather than actual case histories of violence and coercion, I can only state the belief of project officials that she herself was ejected from the center when the Department of Justice (the same that Mr. Burling represents) discovered her writing in rather sensational terms to internees under censorship in the Santa Fe and Bismark detention centers.

What it is hoped this process of judicial review may accomplish in regard to this general question of renunciation is that we may depart from a continuance of the discriminatory, "special," separate, and hence racist treatment of persons of Japanese ancestry, whether they resided at Tule Lake or elsewhere. Any other course can only serve now to implement the ridiculous connotations now faded from the public mind of "Jap saboteur," "agent," "dangerous element" and "fanatic," which still it seems to me, are applied to the former citizen population of Tule Lake. My contention is that they do not fundamentally constitute any more than a group of people acting under stress, governmental duress, coercion, threats of violence, rumors, hysterics, isolation, racist segregation, misinformation, pressure groups, actual violence, economic loss, and general unbalance and insecurity. I am sure, therefore, that the causation was social in essence, and not political or racial.

In my three years of daily observations, interviews, and notations on this population, I found it to be a fact and a predominant fact, that the chief ingredients of the "dis-

loyalty" label were frustration, isolation, insecurity, harsh treatment, ignorance, mass hysteria, compulsive coercion, emotional responses and fear. It would seem to me that the post-war era should see an end to the time-honored process of making this population a scapegoat to outside pressure groups which made stereotypes of Tule Lake population. In so saying, I am acutely conscious of the fact that among our erstwhile renunciants, expatriates, segregees, excludées, evacuees, and [252] other "untouchables," every group mentioned had its relatives, in great number, in the famous 100th Battalion and the 442nd Regiment of the United States Army, in the Army and Navy Language Schools, and Divisions of Intelligence, in the Office of War Information, and in the fields, factories and homes outside center confines. It would be a most remarkable miscarriage of justice if this aggrieved and constantly penalized population should pay with the right of citizenship of many of its number for the prior abrogation of those rights in the fact of their evacuation, continued detention, economic immobilization and general hysterical discrimination.

I should like next to comment upon the general fact of cultural revivalism which occurred among Issei parents of this renunciation group at Tule Lake and even at the assembly centers under Army jurisdiction, as well as at all centers under the Justice Department and the War Relocation Authority administrations. Again, I have reference to a file of thousands of pages which documents this cultural revival of things which properly should be labeled, not disloyalty, nor subversion, nor yet conscious warring against the tenets of our democracy. It may be of some importance to realize that this phenomenon is by no means new in history. The mass hysteria of the

Children's Crusade in feudal Europe is a case in point, where the conditions under which people lived produced hysteria of a mass type and compulsions in behavior among old and young alike. Feudal society had been dislocated by earlier Crusades, via population losses, and children and youth, with no place in the local communities, hysterically joined in a long march to "save the Holy Land." In modern times, there is the well-known example of the Ghost Dance Religion of the 1890's and later which swept over American Indian reservations by the dozens at a time when tribes were confined to reservation settings and controlled by the artificial processes of strict military and "governmental" rule. The same ingredients of isolation, frustration and fear were operative [253] then, as in the present instance; tribe after tribe of impounded people usually projected the wish that conditions sustaining the old culture would return, and that their tormentors would be swept aside, or religiously controlled, whereupon they might again live unmolested on the broad lands of the reservation or beyond. At Tule Lake, there were countless rumors, now embalmed in National Archives, to the effect that renunciation alone could guarantee a future unmolested by the Relocation Program and in which Tuleans, finally, could run their own affairs. That it meant "exchange on repatriation vessels," alone, as Mr. Burling contends, I seriously challenge. He does quote Mr. Myer, on page 8, as thinking on November 1st and 4th, 1943, that perhaps one or two thousand "disloyals" would expatriate voluntarily and involuntarily, the latter under the full force of culturally revivalistic parents at Tule Lake who quixotically hoped to revive the old ways of the old culture. Since Mr. Burling's Department knew of several repatriation trips

subsequently arranged, he must know by now that Mr. Myer's "one or two thousand expatriates" have already gone to foreign shores. In addition, since four thousand actually went, there are two thousand assumed loyals already departed from these shores, according to this arithmetic. I am afraid Mr. Burling is, then, about right in his figure; we have already lost about two thousand (and at least certainly) one thousand decent and loyal American citizens to other shores through the workings of Mr. Burling's renunciation law. It seems curious, indeed, that he should then wish this process extended still further beyond any possible disloyal grouping to divest of citizenship an essentially loyal, but coerced and intimidated group.

The innumerable instances at the Tule Lake Center and elsewhere, where mass compulsions linked up with a cultural revivalism to produce demonstrations are exactly of this general sort. There was, in all center incidents, the same emotional solace found in responding with cultural weapons and with a socially solid front to [254] the disorganization, isolation and fears which emerged at times in all centers. While the efflorescence and development of these cultural values occasioned much excitement in certain quarters of the West Coast press, we do not feel that a government agency should become similarly "excited and emotionalized" when the facts of community analysis are readily available. After all, as we have said, this cultural revivalism was a condition which had occurred on dozens of American Indian reservations in the last century and as a matter of fact, in reporting scientifically on the Ghost Dance Cult among the Ute Indians of Colorado, in 1941, I had earlier dealt with a quite similar case. Dr. Alexander Leighton, in

his book on the Poston Center called the Governing of Men, produces other examples in relocation history. I do recall discussing these analogies with Mr. Burling, and that his response was simply that the exigencies of public relations demanded putting a stop to more extravagant modes of cultural revivalism as sketched in his affidavit.

Yet certainly there are no exigencies of public relations now (over a year since Tule Lake closed). I myself am part-author of a volume published by the Department of Interior in 1946, called "Impounded People" and frank in its description of the pressures and confusions laid upon people of Tule Lake. If the W. R. A. can publish its historical and sociological studies by the dozens, there is no longer a factor of "public relations." But there may be a factor of "face-saving," on the part of Justice officials, in the present instance. In fact, I should add also that in the same oral conversation, Mr. Burling informed me that he had written this same renunciation law and its procedures to set up specific barriers against "too easy renunciation"; that is, fearing that the act was, in a very real sense, discriminatory when applied inside centers to people who had suffered profound social and economic dislocation, he had decided to insist that forms be sent to Washington and received back from Washington as a kind of hurdle or barrier to [255] prevent the mass effect which might easily obtain. If anyone could pick up a form in a center, so Mr. Burling stated, and simply fill it out thereby accomplishing the first steps in renunciation, the whole process would be endangered. It is only necessary to recall at this point that such forms were typed on the project and led in the course of events to mass renunciations, that an organized group typed such forms and popularized their contents, that Mr. Burling

himself gave out such forms to a limited number of persons in the Center proper (when they appeared for hearing upon their request and wished to renounce) These same individuals typed forms they themselves copied off and Mr. Burling accommodated them in the first hearings with printed forms and special attention.

I do not feel that Mr. Burling's passing out of forms essentially changed the situation at Tule Lake, although the Department of Justice thereby modified and changed the restrictive procedures in regard to the use of forms which he himself had devised as the only way of making renunciation less the result of mass hysteria. However, I am confident that these supposed hurdles and barriers to renunciation were not effective barriers and that many persons, like Mr. Rothstein, realized that inasmuch as patterns of individual and group coercion existed, they should in hearing procedures inquire into the question within the Center confines as to whether given individuals had themselves requested such forms or intended only to comply with the desire of organized minorities at Tule Lake to have them complete their renunciations. In the same way, I should discount the fact stated by Mr. Burling that the door was closed as the hearings proceeded. There were rumors that persons in the Center had better make strong enough statements to get renunciation accepted or else suffer the consequences of others learning later of their non-acceptance. While Mr. Burling correctly states that doors were closed in most, (though not all, of the actual hearings) he forgets to add that the Center, as a whole, was enclosed by [256] barbed wire fencing, and that when one opened the door to his barrack apartment, he immediately saw the limited horizons, heard the exaggerated gossip and left the inevitable lack

of privacy occasioned by the presence of 18,000 people living in one square mile, effectively fenced in and isolated from the mainstream of American life. The lack, for months, of adequate policing, the facts of brutal beatings and one murder, and the later suicides of a few renunciant simply do not exist in his facile account. At any rate, the closing of doors had no real effect. After the door was opened again, the segregee had to return to the center, and its well-known pressures.

In like manner, Mr. Burling chooses to minimize the overall effect of the Hitomi murder upon the Center as a whole, instead preferring to present the case as merely the result of philandering on the part of the murdered man and involving his own brother's wife. Aside from the inaccuracy of this assumption, I feel that there is here an unfortunate recourse to gossip having no basis in fact, and contrary to anything remotely like analytic procedures. I had, in a report prior to the Hitomi murder, predicted trouble in the Center in the month of July, which I stated, in a June report, would emerge from the upset Center situation. Hitomi's murder at the end of June came after these dolorous predictions and, of course, only a few days before the start of July. I firmly believe the murdered man's character is, therefore, maligned in favor of gossip some of which started with W. R. A. employees for not a shred of real evidence ever substantiated the philanderer myth. The children of the brother so accused by implication are thoroughly Americanized non-renunciant youth of this nation, all of whom had successful careers in relocation. The son was employed on my staff as staff artist subsequently though only a high school lad, and he gave every evidence of real affection, as did the entire family and families involved, for his

murdered uncle. All family members attributed the murder, as did I in reports and Miss Hankey in her affidavit, to renunciant-minded [257] terroristic gangs, small in total number and long since in Japan. I mention the case only for the inaccuracies of Department of Justice discussions of these matters. These men, who scarcely knew the project and its history, let alone its inmates, were nevertheless the authors and executors of the renunciation program which divested thousands of their American citizenship.

But what is more important, not only did the "ghost" of Hitomi or fear of murder and violence by pressure-groups affect the project for more than an year afterwards (and I reported on this from time to time), but in addition, there was, in this entire period, a number of instances of assaults, coercion and evidences of the effects of being held in duress, which I noted then, and indeed, all through the renunciation program and its aftermath.

Without giving even a minor fraction of such instances which I recorded and transmitted to Washington in reams of weekly and sometimes daily reports which Mr. Burling himself states were available to him and used by his office, I could mention the man who moved from a block where the headquarters of a coercive group located and thereafter moved several times to avoid the same influence and intimidation of "organization" leaders now in Japan; or the young man who (despite being an honorably discharged soldier of the United States Army) was assaulted late at night and otherwise coerced in regard to renunciation; the case in point of the young man whose mail was tampered with to discover his status in regard to the fact of his renunciation; and so forth. There is no point in elaborating now, or years later as does Mr.

Burling, on the question of coercion, or on the question of being held in governmental duress, or on the question of mass compulsions which motivated case after case at Tule Lake. It suffices to point to the record embodied in thousands of pages of material in the National Archives and written as a running comment on the renunciation program as it actually unfolded. This file was built up as were the implicit facts of duress and coercion, [258] at the very time when the program itself was being carried forward. There is, therefore, no question of my constructing a recent account when we allude to this file of material gathered for the government. There is, in addition, a still more extensive personal file of data which the affiant now has and then procured in an effort to round out the study of the Tule Lake community and its response to the impact of this and other governmental programs. This file documents the fact of the presence of coercion, of duress, and of mass compulsion, week by week and case by case. The only file on renunciant cases which approached it in extent was that gathered by Mr. Louis M. Noyes, then project attorney, and still attorney in governmental service. This fact of coercion of renunciants is admitted, it seems to me, by Mr. Burling himself not now publicly at this time of legal judgment, but certainly in the famous letter addressed to Mr. Sakamoto of the Center, in which Mr. Burling dwells on the entire Sakamoto organizational leadership as intimidating the center at large, including the membership of Mr. Sakamoto's own group.

The point made on page 16 of Mr. Burling's affidavit that an office was "assigned" to this pressure-group by W. R. A. is wholly erroneous. The office was raided and closed on my discovery of it and the W. R. A. has pre-

sented to National Archives photos of Internal Security officers conducting the raid with Justice Department officials looking interestedly on. His statement on page 15 that their calisthenics glorified Japanese heroes in history is likewise in error. His definition of Nisei, on page 7, is completely confused with another term, that for Kibei. His point, on page 19, that there was a routine check in hearings on the possibility of coercion is naive enough to suppose that without proper protection in the Center, without a City type of police organization, without street lights and with 19,000 cramped into a single square mile, with at least one murder and several cases of assault on the record well known to all, the people of Tule Lake would confide to him on two minutes' [259] notice as to their basic fears, their impelling compulsions or on the long-standing effects of isolation which no government agency—the Army, the Justice Department or the War Relocation Authority, had even begun to assess fully in the four long years of detention. The "routine check" in thousands of daily hearings which I witnessed was merely a rather ambiguous, "Are you doing this of your own free will?" Even the phrase "free will," was possibly not understood by most of the agitated and upset subjects.

It is important to realize also that the renunciation program, though it was embodied in law, came at the end of a long series of extra-legal governmental programs which applied to the people of Tule Lake inter alia, and, which in every case, failed so miserably that they added to the total confusions about status and about effects of detention which we reported in the 1946 volume, "Impounded People" as undoubtedly influencing the people's assessment of renunciation itself. To specify briefly again, it does injustice to the large file of descriptive and analytic

material to which we have already alluded to suppose that Tulean residents felt "these papers" to be any more binding in effects than previous loyalty registrations, or repatriations, all carried out under governmental duress and center pressures. However, it is well to realize that the first of the series, called registration, failed completely in the Tule Lake setting even before Tule Lake had become a segregation center. The fault of this lies by no means exclusively with the 13,000 residents of the then Tule Lake Relocation Center, that is before segregation. The program, as we stated about three years ago in our reports, was inaccurately introduced as a Selective Service program and this error, which alone took place at Tule Lake, convinced the majority of the then-residents that whenever citizens registered loyalty, which all were being asked to do, the boys, and young women as well, would be immediately inducted on a mass basis (and regardless of order number) into the [260] appropriate branch of the "Armed Forces,"—ordinarily phrased as a segregated and racist-conceived labor battalion. To realize what this meant to Center people, we must remember that these same persons had been evacuated from their homes on short notice, had gone to Army assembly centers, had in some cases been "honorably" ejected from the Armed Forces (Fort Ord was famous for this) and had been uprooted and moved again into relocation centers always on a mass basis which designated that the West Coast population of Japanese ancestry as a separate group, marked for such separate treatment, was under general suspicion. Boys who attempted to get into the Air Forces could not. Several of these later renounced. Obviously, the important principle of equality of all citizens before the law, had, in their opinion, already been abrogated by the total circumstances of race prejudice and war hysteria

which accounted for their being in barrack-like apartments in or out of "restricted zones" and subject to special determinations of government agencies which had not yet, in any case, given any recognition to the rights of the individual and of the family to choose location and occupation and career in accordance with their individual and private consciences and their sense of public responsibility. If the government so acted, the press re-enacted time and again the hatred and suspicion laid upon this group of west coast refugees. The Tule Lake Center, at any rate, never completed its loyalty registration, and this was not simply a point of disaffection. The Community Council, the Planning Board, (which represented democratically all Issei or first-generation residents of all blocks and wards in the Center), and the Block Managers (who, in turn were hired by the government or project administration as a channel of information to the center residents),—all these three bodies and others besides offered their service to the Project Administration in pushing through loyalty registration. In hopes of overcoming misconceptions which had arisen about the nature of the registration program, and in an honest and frank effort to help see [261] the program through for the government, these groupings offered to aid and expedite the entire program. I have, in my personal files, the original signed document of the Project Director at that time, in which he refused such community aid in straightening out confusions which his own staff and notably the Assistant Project Director, (who had been to Washington, D. C., to get the outlines of registration procedure from Army officials) had themselves engendered in the Center setting. As a consequence, there are thousands of Tuleans who, out of resentment or confusion, certainly out of feelings of discrimination, never registered. There was, in addition,

a set of incidents which involved taking people from blocks in the project and transporting them, under machine guns, in the height of this confusion, to a special detention center in Arizona. This set of circumstances, plus the latter confusions and coercions, marked the effective beginning of renunciation for the Tule Lake Center.

There were at Tule Lake a number of people who, though incensed at this procedure, nevertheless maintained enough composure to answer affirmatively on loyalty during registration, and an additional number who, with perhaps slightly larger amounts of resentment at their mistreatment, simply registered a conditional answer, which usually stated that their loyalty was affirmative "if the citizenship rights" of the population were restored or duly honored. In other words, back in registration times, there was doubt that citizenship was merely a matter of loyalty to be displayed mechanically on paper by citizens, and some feeling that it involved reciprocal rights and privileges connected with status in the eyes of the government. As concerns segregation, the program which came next, the Tuleans should have been represented at Tule Lake by about two thousand persons of segregee category. Actually six thousand in all staged a kind of resentful sit-down at the injustice of being forced to move again, now for the third or fourth (in a few cases, the fifth) time in the history of Center residence. This meant that fully four [262] thousand Tuleans were involved in the segregation program at Tule Lake who were not disloyal in any paper program, even according to the somewhat blurred lights of the registration procedure.

The four thousand "loyals," therefore, the citizen component of which (though loyal at registration times) was later swept into the renunciation program, was finally

divested of American citizenship. In addition, the segregation process allowed for other loyal citizens of other projects to accompany families and relatives to Tule Lake. Besides this additional number of voluntary, loyal segregants from other projects, that is, additional to the four thousand "loyals" at Tule Lake and the thousands of young, voluntary segregants from eight other centers, there were a number of young people who had never undergone loyalty registration at all, but who, one or two years later, at ages of eighteen to twenty-one, were considered fully eligible to renounce their American citizenship (even at ages under twenty-one and in circumstances where no citizenship rights, like the right to vote, had ever been exercised). Thus, segregation failed since it was premised on the mistakes of registration, and this failure which was especially notable at Tule Lake, was the prime condition for the imposition of the renunciation program. The National Archives, again, are full of critical reports on this program, my own dealing especially with the mistakes of segregation premised upon the mistakes of the earlier program. If one, therefore inquires into the logic of Mr. Burling's position, or into that of any person who holds that Tulean youth were disloyal *per se* or as a category, one will find that thousands not so designated in any sense were caught in this particular maelstrom of renunciation by the mere fact of being "loyals" or minors in residence at Tule Lake who came under the criticism and scorn subsequently of renunciant pressure groups.

Besides this fact, there is the fact that Kibei, as a category, were sent to Tule Lake. Many of these individuals had volunteered for the Army prior to evacuation and had been, almost as [263] a group, honorably dis-

charged, usually from Fort Ord. These statistical facts indicate a policy of Army rejection, whether conscious or unconscious. To these one must add, among the Nisei of American education, those who had been outside Center confines before renunciation, some in war industry and in war-time agriculture, but who in the Midwest and West particularly had encountered discrimination of such proportions that they left their status of seasonal leave and hurried back to the sanctuary of the centers. One boy who renounced later had been shot at in the Provo, Utah, violence against volunteer Nisei sugarbeet workers. Another in Minneapolis, met such discrimination that he hurried back to his family at Tule Lake.

Perhaps one could best picture these separate programs of registration, segregation (and the November Incident) at Tule Lake as being a series of cars which pile up in a train wreck. As each program went off track, more and more were involved or pulled into circumstances which ultimately spelled disaster. The Tule Lake Incident, the third car so to speak, in the total wreck, while it involved no mob violence and no direct evidence of subversion, pure and simple, actually voiced the desire of the residents to have more complete Center security and as Hankey states, better center living conditions. Of course, the next car to smash-up off the rails, did so when almost four hundred young men, most of them quite blameless even according to the most scrutinizing Army and FBI records, were seized and confined in a "stockade" in full view of their families and of all center people, but at the same time out of range of ordinary communication. Many of these men,—and boys,—were held there in this area of a few hundred yards for ten months under what can best be summed up as star-chamber proceedings without benefit

of trial by jury. While "incidents" at other Centers, like Manzanar and Poston, straightened themselves out in the due course of time, they only involved the smallest handful (two or three) of people, [264] whereas Tule Lake's Incident had its cumulative effect as the ten months of fundamentally unlawful detention of hundreds of boys wore on. Manzanar's incident grew out of the incarceration of two persons and Poston's followed the same pattern; but Tule Lake's Incident ending in murder (of Hitomi) started with about 350 being incarcerated and with a general strike situation which greeted these incarcerations of the same hundreds by the Army officials in control. It is perhaps to the credit of the War Relocation Authority that after Army Control had resulted in the incarceration of more than three hundred persons and had engendered a most complete and paralyzing general strike in the center, a civilian administration was able to bring the center back to the semblance or approach to the kind of normalcy required by the relocation program in general. However, the Army lifting of the ban on the West Coast and the Justice Department's renunciation of citizenship, were the next two associated programs which affected the tenor of life at Tule Lake and prevented the "setting down" process from ever occurring. They were both timed badly, and coming together were confused in the resident's thinking.

In discussing these last two programs, it is necessary to state at the outset that nothing like complete normalcy was ever attained fully because of the Center upset occasioned by the ten months' period of "stockade" detention. The "stockade" ended with the shipping off to detention centers of Issei family heads, with the murder of Hitomi in the center, and with new defiant modes of organization

in the center proper. While the Army announced the lifting of the ban in December, practically by the next month, the Justice Department provided what seemed to Center residents the only possibility of remaining in the Center, namely, renunciation of citizenship. The timing of these two programs led to the fourth car smashing off the rails, namely, the renunciation program itself. Before the program started, the dynamiting of the Doi barn, the [265] Hood River incident in Oregon, and several other depredations had occurred and been widely publicized both inside and outside the Center. Inside the fence the stories of shootings and dynamiting had been exaggerated to the proportions of a totally prejudicial and gloomy picture of the West-coast reception of relocatees. One subsequent renunciant read in the papers just before renunciation was scheduled that he would not be welcomed back to his fruit farm in the Hood River Valley. Another personally knew the Nisei hero who was refused service in a barber shop in Arizona. He too was pressured to renounce. In general, residents feared that the stability and security of Tule Lake was affected by rescission of mass exclusion orders or by the lifting of Army ban. Put more positively, renunciation, when it began only a month later, became the only action program available as an outlet for mass emotions on the part of people whose relocation posed decided problems and whose fears of pressure groups were only matched by fears of government and fears of the American "public" in general.

Further, as we have stated in our reports to the Washington Office, especially that dated April 23, 1945, the evidence soon accumulated that renunciation not only became a law to be administered by the Justice Department, but it quickly became the action-program of a small and

well-organized group of minority leaders in the center who have since voluntarily repatriated to Japan. At any rate, their demonstrations, mass-action and mass-pressure (which Mr. Burling also described) were certainly not a manifestation of the "free choice" or "free will" of thousands of young persons but a reflection of the interplay between two programs, rescission and relocation on the one hand and renunciation on the other.

The conditions of Center life had, by now, reached the apex stage of the Ghost Dance Cult, as it occurred on countless Indian Reservations in the 1890's. In a phone conversation with Mr. Myer and in reports of this period, the affiant stated quite [266] clearly that people in the youth categories, male and female, were being swept into a kind of Children's Crusade, the consequence of which they did not recognize. These facts were repeated on several occasions to Justice personnel.

Mr. Burling seems, to my mind, almost to interpret the same facts as containing something of grave danger to the United States. To this, I can only reply that the German prisoners in the prisoner-of-war camp in Northern California on the other side of the town of Tule Lake were allowed at this time to get on bicycles and ride down to town in PW uniforms, or to take picnics on occasion in the near-by hills. These were, of course, captured prisoners of the German Nazi Army of the Reich. At this same time, Tulean kindergarten children could not take picnics; their fathers if farm workers tilled the government fields, but they too worked behind barbed wire fencing and under watchtowers across the road in which armed sentries were posted; they were conveyed there by American armed troops. At Tule Lake there was no right of free movement and certainly no escape from the

conditions of center life. It seems to me, therefore, through this simple contrast between two "camps" less than fifteen miles apart, one can see why Tule Lake people felt the force of citizenship to be null and void in their circumstances, and felt that the only security, by and large, lay in the direction of continued center residence to escape the inhospitable "outside." No wonder, then, that twenty renunciants in these confused circumstances immediately and on the same day of their renunciation cancelled their actions, and significantly this was allowed,—in these twenty cases,—according to the best lights of Justice Department personnel.

Months later, when the Justice Department allowed mitigation hearings to take place, the total group of renunciants at Tule Lake again spoke up by the thousands to have their renunciations cancelled, in effect as well as in fact. It seems to me only that their confusions, fears and pressures lasted longer than the twenty. Today, I [267] understand, the Justice Department has no Nisei renunciants incarcerated. But they had them detained by the thousands and later by the hundreds. Can it be that confusions within the Department of Justice personnel ranks have in time likewise dissipated, or is it that those released are now considered sufficiently "loyal" by the same agency which formerly considered them "disloyal"?

The renunciation law, itself contains certain attempts to safeguard citizenship in that it states that the act must be "individual" and "voluntary." At Tule Lake, only a minor proportion of these acts were individual and voluntary, and these were, in each separate case of truly voluntary action, followed as soon as was possible by repatriation to Japan. The voluntary renunciants, it is obvious, are no longer in this country. The pressure-group

organziation, mentioned above, typed and circulated its own one hundred and seventeen renunciation forms and even in the first one hundred and seventeen, there were individuals who did not understand, it seems to me, the nature and consequence of their acts. But the fact remains that those who wished to leave America are gone. As stated above, some went involuntarily through group pressure, parental insistence, etc. One boy, in this typed-form contingent, explained to me at the time and in my office that he could not square the doctrine of a "Japanese Co-Prosperity Sphere in Asia" with the Imperial Japanese policy of striking down Chinese on the mainland, but that his father required either his accompaniment to Japan or his aid in the center barracks; and that he was, for this reason alone, renouncing because he was the only child, of almost paralytic parents and could not leave the Center. He added the whole thing went much against his own wish and desire and was, further, contrary to his background which included university years at the University of Redlands, California and no prior residence in Japan. He concluded that he hated the Japanese militarists. (This case like all the others above,—and many more—were reported to Washington at the time. Let me repeat. This lad is [268] now in Japan. The boy was sent to internment and went to Japan on the first repatriation vessel). And the injustices of the renunciation program have involved others like him. On the other hand, we also described and sent in record form to Washington, D.C., the variety of special cases, caught by and controlled by organizations and demonstrations resorted to by a tiny pressure-group leadership to get renunciation processed and to achieve removal of young people from Tule Lake. It should be remembered that

Tule Lake was again becoming a relocation center at the behest of Army rescission. Rumors of forced relocation, of a Nisei draft into labor battalions, of assault and violence against those of Japanese ancestry without center confines, of gangsterism and hysteria, both within Tule Lake and outside it, and of group and family needs to remain together in the center, all marked this period. The result was mass renunciation.

We pointed out before this report, and in it, that renunciation at this time was depriving individuals of citizenship who had no other alternative legal status. Mr. Burling's assumption to the contrary is not supported by the legal opinion of the W. R. A. solicitor's staff which was published on this question. We added that in terms of the needs of American policy, we were, by splitting families and confusing status through this law, creating conditions of dependency, both at home and even, after victory, abroad. I do believe that much later, and after repatriation had occurred, the reports back from abroad through the Justice and State Departments and via newspaper accounts of the first Tule Lake repatriation, did not indicate that General MacArthur was getting a particularly helpful, well-adjusted or "disloyal" segment in the Tule Lake population which repatriated. All accounts of Nisei "repatriates" have been pathetic in the extreme. For renunciants who remained there has been job discrimination, as non-citizens, legal barriers, such things as higher differential tuitions at State Universities and the hopeless sense of being "without a country," after being [269] rejected and cast aside by one's country.

At the time we foresaw the more immediate danger of immobilizing the large segment of the center population, which at Tule Lake with its budget of ten million dol-

lars a year in war-time, represented a needless continuation of the tax burden upon an American public which was diligently supporting the war effort in other and truly significant ways. The danger of continuing at Tule Lake through a freeze of population (made ineligible to relocate) the over-sized and abnormal community which WRA wisely hoped to liquidate over a period of time was here involved. We spoke then, as we had earlier, of the danger, in this respect, of subjecting youth at Tule Lake any longer than necessary to the romantic and unrealistic forces of cultural revivalism. In this respect, we viewed renunciation as a postponement of the assimilating and adjusting processes for youth who were either already thoroughly American or Americanized, or who, as Kibei, might so become only in normal American communities outside center confines. We even indicated such minor factors as the few renunciations premised on fear of possible persecution of close relatives abroad by the Japanese war-time government if perchance the relative at Tule Lake did not renounce. There was the feeling in the center that the State Department (through Spain) could so report.

We generalized to the extent of stating that renunciation was in the same category as the prohibition law (in one sense) which, while well-intentioned, overlooked the social psychologic and economic realities binding upon center population. We even at that time quoted from the famous Burling letter to Mr. Sakamoto, *et al.*, in which Mr. Burling, in a mood of somewhat contradictory or negativistic thinking stated that the Kibei renunciants were many of them, disloyal to Japan, while at the same time, held that their activities were also disloyal to this country. We summarized again and again, the major

point that community pressures, "outside" [270] discrimination, and mass compulsions made the law wholly inapplicable to the conditions of center life. And in a phone conversation with Mr. Myer earlier, we requested that, if possible, the program be called off until Tule Lake had time to stabilize.

I should like to quote other sources, particularly Mr. Burling in his open-letter to Mr. Sakamoto, a letter which has been mentioned several times in this statement. In quoting him, I suppose I feel that the knowledge of Tule Lake Center gained by myself and my staff of sixteen research aides, over a three-year period, argues for the setting aside of the renunciation law in its application to the abnormal and confused setting of Tule Lake in which both coercion and duress were major factors. Mr. Burling, at the time and in the course of the same program which I am criticizing, stated that:

"Not only are the leaders . . . traitors to the country of their birth, but it is very doubtful whether they are truly loyal to Japan. A large number of the leaders were Kibei who left Japan after 1937 . . . Ever since that time there has been compulsory military service in Japan. Of course, few people left Japan who were actually drafted but many of the young men who were 17, 18 or 19 in those years left one jump ahead of the draft. . .

"Some of the young men admit they left Japan during the fighting in China, but say they are now going back on an exchange ship and fight. There is reason to doubt their sincerity. In the first place, while they were making those assertions it looked

to everyone as if there would be no more exchanges during the war. . .” (Dated January 18, 1945) [271]

If Mr. Burling is doubtful as to the question of the loyalty of this leadership clique, many of whom voluntarily repatriated to Japan, it would seem to me a fortiori that the average Nisei renunciant, who never repatriated, who had never been to Japan, and who knew nothing of its economic, social or psychologic life, could hardly be accused in ex cathedra fashion either of disloyalty or of renouncing the only citizenship he or she had in a setting of non-coercion and in a rational and discriminating frame of mind.

In conclusion, I should like to quote from two sources on the renunciation program, neither of which has reference to my own work. The first is again from Mr. Burling's statement in the letter to Mr. Sakamoto of the pressure-group, which Mr. Burling dated January 18, 1945, at the height of the renunciation program: (p.2)

“I am well aware that your two organizations have put pressure on residents of this center to assert loyalty to Japan, and that in a number of cases physical violence was employed.”

The second is from Professor Dorothy S. Thomas' book, The Spoilage, (University of California Press: 1946, 388 pps): (p. 361)

“Many of them have since left the country . . . to take up life in defeated Japan. Others will remain in America, in the unprecedented and ambiguous

status of citizens who became aliens ineligible for citizenship in the land of their birth . . . Their parents had lost their hard-won foothold . . . in America. . . . They had become terrified by reports of the continuing hostility of the American public, and they had finally renounced their irreparably depreciated American citizenship." [272]

If further evidence of the complex of causes leading to renunciation is needed, it may be found, in part, elsewhere in this volume The Spoilage: for fears of violence awaiting the resident who relocated, pages 345-6; for the affective appeal of renunciation as an escape from insoluble problems, pages 347-349; for the family and community pressures applied to immature youth, pages 351-355; and for the total confusions occasioned at Tule Lake by the factors of governmental duress, rumors, center conflict, disharmony and violence, isolation and inescapable fears, my section in the official government publication called "Impounded People," United States Department of the Interior, Government Printing Office, the section called "Confusion in Tule Lake," pages 208-217, and issued in 1946.

MARVIN K. OPLER

Subscribed and sworn to before me this 7th day of August, 1947.

(Seal)

W. H. NORRIS

Notary Public in and for the County of San Joaquin,
State of California. [273]

[Title of District Court and Cause]

AFFIDAVIT OF DR. JOHN ALDEN.

State of California

City and County of San Francisco—ss.

John Alden, being first duly sworn deposes and says that: This affidavit is written in response to request for a psychiatric opinion as to the mental state or condition of certain persons of Japanese ancestry at the time they applied for a renunciation of their United States citizenship, and is based on information obtained from a 45-page affidavit made by John L. Burling, a former employee of the United States Department of Justice, upon such general knowledge concerning the Relocation Centers and related matters as was made public at the time, and is centered around a psychiatric viewpoint and experience.

One of the questions which is raised and discussed in the above-mentioned affidavit, is whether or not those persons who applied for renunciation of their citizenship were acting under duress. It is apparent that the only definition of duress which [274] is considered is the application of physical force or the immediate fear of great bodily harm. From a psychiatric standpoint, there is a serious objection to this definition of duress. It is well known that man is a gregarious and social being, and that moral pressures of the group in which one resides is usually of even greater influence on the actions and decisions of an individual than is the actual fear of bodily harm. It

seems apparent that in a group such as was constituted by the Japanese in the various relocation centers, cut off from most of the contact with the outside world, and feeling themselves alone in a hostile country, the strength of these social or group pressures would be even greater than under more normal circumstances. Under these circumstances, it would be normal and natural for an individual to go along with the weight of opinion of the group, or even with the opinion of the most vocal members of the group, whether or not this constituted a majority opinion. In fact, under these circumstances, it would only be the queer or abnormal individual or the individual imbued with more than the usual amount of idealism, who would be able to resist the pressure of the group. This is true just as in the usual social group outside of relocation centers. It is only the queer or mentally deranged individual who holds opinions at marked variance from society as a whole, such as for instance, that the world is flat. The interaction of one person upon another and the building up of mass opinions in this manner, lead in a natural course of events to the development of a real mass hysteria, and it is noted that the presence of such mass hysteria was well recognized by the writer of this affidavit and by the other members of the Relocation Authority whose opinion he cites.

From a psychiatric standpoint, I believe it may reasonably be said that a person acting in response to such a mass hysteria, even though he be otherwise a normal individual, is no more responsible for his actions and is no

more capable of [275] judging the nature and consequence of his actions, nor the difference between right and wrong, than if he were himself mentally deranged.

The suggestion of a possible other source of pressure is found in the statement made in the affidavit to the effect that the authorities responsible for the relocation were somewhat concerned with the constitutional and legal implications of imprisoning American citizens against their will, and looked upon these renunciations of American citizenship as a means of avoiding this legal and constitutional difficulty. It is therefore possible that many of the Japanese sensed or in some way felt the genuine desire on the part of the authorities to have them sign these renunciations, and that to some extent they had a conscious or unconscious desire to accede to the wishes of those who are in authority over them.

I note on page 32 of the affidavit the following statement: "Form letters were written to such persons explaining that it was not within the power of the Attorney General to restore citizenship once lost through renunciation, and that the renunciation itself was valid because it had been made in the absence of coercion and with a clear understanding of what was being done." It seems to me that there are two fallacies in this statement. First, the renunciation was not done in the absence of coercion if we consider the moral and social pressures as well as physical threats, and second, that it was not done with a clear understanding of what was being done, as it appears from other statements in this affidavit that the Japanese

were given to believe by signing this renunciation they would be able to return to Japan, and since they had no information as to the true state of Japan or no way of looking into the future and knowing what would happen at the outcome of the war. Therefore, it cannot be said that they had a clear understanding of what [276] was being done.

It is my opinion, as a psychiatrist, accordingly that persons of Japanese descent detained at the Tule Lake Relocation Center, under the conditions and circumstances described in the affidavit of John L. Burling in renouncing their American citizenship, were not acting fully and voluntarily but, on the contrary, were acting under mental duress.

JOHN ALDEN

Subscribed and sworn to before me this 6th day of August, 1947.

(Seal)

CLARA E. HAY

Notary Public in and for the County and City of
San Francisco, State of California [277]

AFFIDAVIT OF DR. FRITZ KUNKEL

State of California

County of Los Angeles—ss.

Fritz Kunkel, being first duly sworn, deposes and says:

That said affiant is a graduate of the University of Berlin with an M. D. Degree therefrom. That said affiant is presently employed on the staff of the First Congregational Church in Los Angeles, California as a consulting psychologist. That said affiant was furthermore a Professor for several years at the Institute for Psychotherapy of Berlin, until the year 1933. That said Affiant has furthermore taught psychology at the Pacific School of Religion between the years 1939 and 1941. That said affiant furthermore received his United States citizenship in the District Court of Los Angeles on February 28, 1947.

That these educational backgrounds and experiences are set forth herein by way of qualifications for the statements expressed hereinafter.

Said affiant presently resides at 216¼ South Poinsetta Place, Los Angeles, California.

This affidavit is submitted in response to a request for a psychological opinion as to the mental state or condition of certain persons of Japanese ancestry at the time they applied for a renunciation of their American citizenship.

This memorandum is based upon a careful reading of the book entitled "The Spoilage," published by the Uni-

versity of California Press and written by Dorothy Swaine Thomas and Richard Nishimoto, particularly the Chapter dealing with the renunciation commencing at Chapter 13, pps 333 et seq.

It is my opinion based upon this book that the issue of the various fears, apprehensions and pressures to which the persons of Japanese ancestry were subject at the Tule Lake Center during the [278] entire renunciation proceedings were such that it can be said from a psychological standpoint the residents in general did not possess mental freedom but on the contrary were subject to circumstances that were inherently coercive in nature. Although it was not clearly shown from a reading of this chapter that there was any direct threats of physical injury upon each individual at the precise moment when they each renounced their citizenship before a hearing officer of the Department of Justice, it can be said that the turmoil, the threats, the mass hysteria aroused by pro-Japanese elements, particularly the Hoshidan, which was especially active during this period, was such that those apprehensions pervaded each individual's mentality at that moment. Such mentality consequently cannot be considered to be of a free and voluntary matter but can be said to be that of undue influence.

Furthermore, since the individual residing in the center generally wished to do that which was acceptable to the community as a whole, moral pressures brought by parents, spouses, neighbors and friends had to some degree

an influence on the actions and decisions of the individual renunciant.

One murder and a series of severe beatings of other residents, plus the threats uttered by members and leaders of the pro-Japanese association, with the further knowledge on the part of the residents that they could not escape from the community in order to escape from these pressures, undoubtedly brought about a feeling of frustration, hopelessness, disillusionment which naturally aided in the acts of these individuals.

It may thus be said that when a person acts under such mass hysteria, especially under extra-ordinary conditions such as at Tule Lake Center that such a person should not be held responsible for his actions and the same individual cannot be said to have had that free and voluntary will for which he should be responsible.

FRITZ KUNKEL M.D.

Subscribed and sworn to before me this 5th day of August, 1947.

(Seal)

FRANK F. CHUMAN

Notary Public in and for said County and State. [279]

AFFIDAVIT OF MIYE MAE MURAKAMI

State of California

County of Los Angeles—ss.

Miye Mae Murakami, being first duly sworn, deposes and says:

That she presently resides at Route 1, Box 212, in Torrance, California; that she is 29 years of age, born in Mountain View, California and is the mother of 4 children, Michael Koichi, age $3\frac{1}{2}$; Makoto Ronald, age $2\frac{1}{2}$; Gerald Junzo, age $1\frac{1}{2}$ and Robert Shiro, age 18 days. That said affiant attended the public schools at Menlo Park, California, after which said affiant assisted her parents on a farm located in Santa Clara County. That said affiant was married on September 16, 1939, in Santa Monica, California, where she resided until her evacuation on April 28, 1942 to Manzanar Relocation Center; that on February 26, 1944, said affiant was transferred to the Tule Lake Center due to the fact that her husband had applied for repatriation. That said affiant's application for renunciation was submitted May 1945, since at the time it seemed to affiant that such action was the safest to take under the circumstances, as will be set forth further in detail below. That said affiant received her notice of approval of renunciation in January, 1946, said notice however being dated as of August, 1945. That as a result of a mitigation hearing said affiant was released on March 5, 1946, when said affiant went to Hawthorne, later to Santa Monica, California, later to the Burbank Trailer

Court and presently in Torrance, California where said affiant still resides.

That said affiant renounced her citizenship due to an erroneous and insidious report prevailing throughout the Center that unless an American citizen Japanese renounced his or her citizenship, that said citizen would not be able to join his or her family or spouse when said Japanese subjects were to be repatriated to Japan. That said affiant lived during the entire renunciation procedure in Block 75 of Ward 8, which was considered to have been the most rabid pro-Japanese section of the entire Tule Lake Center; that said affiant lived daily in an atmosphere of fears, threats, [280] and scares stirred up by powerful gangster-like hoodlums of pro-Japanese leaders; that at several times said affiant felt her own life in danger when, even in the supposed privacy of the women's wash-room, groups of rough looking, tough talking men would invade such rooms and threaten to assault any women who had not yet renounced their citizenship. That said affiant furthermore lived in a constant atmosphere of assaults, battery, stabbings and constant pressure from relatives who coerced other relatives into renouncing their citizenship. That said affiant furthermore lived in the midst of neighbors who had been persuaded to renounce their citizenship and who in turn were proselyting their other neighbors to renounce their citizenship. That said affiant had heard of the mysterious murder of a leader of a Japanese community and had further heard members and leaders of the pro-Japanese gangs threaten by words, acts

and meetings, reports and posters, that other residents would meet the same fate unless they renounced their citizenship. That the extremely tense situation was further fanned by exaggerated reports coming into the center from the outside world of the burnings, raids, bombings and assaults to all Japanese. That said affiant had completely lost any sense of perspective or balance in her thinking processes from the treatment which had been given her and all others in the Center and from the summary evacuation from homes and businesses; that said affiant realizes that it was such an irrational state of mind, accompanied by several years detention and isolation and insecurity, threats and fears which finally resulted in pressure of the pro-Japanese groups depriving said affiant of her own free will, and being bound by said pressure to renounce her citizenship, contrary to her best judgment.

MIYE MAE MURAKAMI

Subscribed and sworn to before me this 1st day of August, 1947.

(Seal)

FRANK F. CHUMAN

Notary Public in and for said County and State

My Commission expires Mar. 28, 1950. [281]

AFFIDAVIT OF TSUTAKO SUMI

State of California

County of Los Angeles—ss.

Tsutako Sumi, being first duly sworn, deposes and says:

That said affiant presently resides at 1926 Beloit Street in West Los Angeles; that said affiant is 32 years of age, born October 13, 1914 in Los Angeles, California; that said affiant attended public schools in the City of Los Angeles. That said affiant was evacuated in April, 1942, from her home in Los Angeles to the Manzanar Relocation Center from whence said affiant was transferred to the Tule Lake Center on February 27, 1944, as a result of her husband having applied for repatriation. That said affiant applied for her renunciation in March, 1945, which application was approved on October 8, 1945. That after a mitigation hearing, said affiant was granted a clearance and relocated to Southern California on February 26, 1946.

That said affiant resided in Block 75, Ward 8 in the Tule Lake Center, which is considered to have been the most rabid pro-Japanese block and ward in the entire Center. That said affiant is the mother of three children of the ages of 12, 10 and 4 respectively. That due to the fact that said affiant's husband was a Block Manager of Block 75, that under the rules and regulations of the War Relocation Authority pertaining to Block Managers, that said affiant's husband was not eligible to be a member of any group or organization including the pro-Japanese

Hoshidan. That said affiant lived in a atmosphere of fears, threats, apprehensions, wild distorted reports and rumors. That in their attempts to force everyone in the block and ward to renounce their citizenship the pro-Japanese association Hoshidan constantly applied tremendous pressure upon her husband to force him to coerce his wife, the affiant, to renounce her citizenship. That said affiant furthermore was cognizant of several beatings which had been imposed upon residents who had dared to [282] oppose the preachings of the Hoshidan to have the residents renounce their citizenship. That each of such beatings was followed by wild rumors that the victim had been a stool pigeon or a non-conformist or a traitor to the Japanese nation, which activities were calculated and succeeded in keeping the Tule Lake Center in an almost perpetual state of turmoil. That furthermore, none of the assailants were apprehended by the police or the internal security personnel which further heightened the fears and apprehensions of bodily injury on the part of said affiant, as well as the rest of the residents of the center. That said affiant and other residents were so frightened that in some instances, particularly after several beatings, no one even dared leave their apartments for several days. That the constant militaristic demonstrations on the part of the pro-Japanese association, which later degenerated into gangsterism and hoodlumism was still not adequately coped with by the Center Administration. That furthermore said affiant feared that if she and her husband together with their children took up resi-

dence outside the center, that they would meet grave economic hardship and discrimination. Said affiant further feared physical violence after they relocated. Said fears were constantly aggravated by exaggerated reports circulated by the above mentioned pro-Japanese association which resulted in mass anxiety and mass hysteria. That as a result of the detention and isolation, and the pressures of pro-Japanese groups upon said affiant's husband to have said husband force said affiant to renounce her citizenship, and furthermore, said affiant's husband, after having been the subject of ridicule and unwarranted malicious threats to his personal integrity and character, that said husband finally went against his will with the result in the end of forcing said affiant, against her will, to renounce her citizenship. Said affiant at no time willingly submitted to the formal act of applying for her renunciation papers.

TSUTAKO SUMI

Subscribed and sworn to before me this 1st day of August, 1947.

(Seal)

FRANK CHUMAN

Notary Public in and for said County and State

My Commission expires Mar. 28, 1950. [283]

AFFIDAVIT OF MUTSU SHIMIZU

State of California

County of Los Angeles—ss.

Mutsu Shimizu, being first duly sworn, deposes and says:

That she presently resides at the Winona Trailer Project in Burbank, California, Trailer No. 68. That said affiant is 33 years of age, born July 4, 1914. That at the age of 6 years or thereabouts, said affiant went to Japan and entered a girl's school which she attended until she was 16 years of age. That said affiant returned to the United States in 1931 and soon after her return attended the public school in Venice, California.

That after the evacuation order issued by General DeWitt in February, 1942, she was moved to several places, including a change of domicile from Venice to Hawthorne, later to San Gabriel, California, and that said affiant was then transferred to the Tule Lake Center; later to the Gila Relocation Center, and in October of 1943, segregated to the Tule Lake Center.

That said affiant is the mother of three children, Yosuke Pat, Hiroko Julia and Yoneko Suzanne. That said affiant applied for her renunciation in December, 1944, and was granted a hearing in January, 1945. That her application was approved by the Department of Justice in October, 1945 and she was later granted a mitigation hearing in November 1945 and permitted to remain at Tule Lake Center, leaving said Center in February, 1946 for Lomita, California, and still later to her present residence at the Burbank Trailer Court, as aforesaid.

That said affiant's renunciation of citizenship was based upon the hysterical atmosphere which existed in the Center at the time of the renunciation hearings. That she had heard of a murder committed upon a resident of the

Center which was immediately followed by threats from pro-Japanese groups that other residents [284] would meet the same end if they did not renounce. That furthermore, the summary evacuation from her home in Venice, California, where she had lived for several years, had placed her in an unsteady economic status. That the constant vicious anti-Japanese propaganda from the newspapers, radio and other means of communication outside the Center which was allowed to enter the Tule Lake Center terrified her so far as conditions on the outside and the fear of physical violence from Caucasians after they relocated. That the pro-Japanese patriotic societies which were permitted to exist in the center had constantly stirred up the emotions, fears and anxieties of the residents. That said affiant constantly remained in such condition, with constant pressures, compulsions, influences, coercion, against her better judgment, which resulted in depriving said affiant of any voluntary willingness to renounce of the part of said affiant. That the community atmosphere in which said affiant lived was such that she considered herself an outcast unless she renounced her citizenship. That said affiant would not have renounced but for these conditions and influences which bound her mental processes to the degree that said affiant was not able to realize the gravity of her step in renouncing her citizenship.

MUTSU SHIMIZU

Subscribed and sworn to before me this 31st day of July, 1947.

(Seal)

FRANK F. CHUMAN

Notary Public in and for said County and State

My Commission expires Mar. 28, 1950.

[Endorsed]: Filed Jul. 1, 1947. Edmund L. Smith,
Clerk. [285]

[Minutes: Monday, August 18, 1947]

Present: The Honorable Charles C. Cavanah, District Judge.

For hearing motion of defendants, filed July 1, 1947, for summary judgment in favor of defendants, 'and for hearing motion of plaintiffs for a summary judgment, advanced for hearing from Aug. 25, 1947, to this date; Frank Chuman, Esq., and A. L. Wirin, Esq., for plaintiffs; Ronald Walker, Ass't U. S. Att'y, for defendants;

Attorneys Wirin and Walker each makes a statement relative to affidavits.

At 10:48 A. M. Attorney Walker argues to the Court.

At 11:44 A. M. court recesses until 2 P. M. At 2 P. M. court reconvenes and all being present as before, Attorney Walker argues further. At 2:53 P. M. Attorney Wirin argues to the Court. Court declares a short recess.

At 3:45 P. M. court reconvenes and all present as before, Attorney Wirin argues further. At 4:17 P. M. Attorney Chuman argues to the Court; Attorney Wirin argues further; Attorney Walker argues further.

Court orders both motions submitted. [286]

[Title of District Court and Cause]

STIPULATION RE HEARINGS ON MOTION FOR
SUMMARY JUDGMENT AND SUBMISSION
OF CASE ON THE MERITS

It is hereby stipulated by and between the counsel for the respective parties hereto as follows:

1. That the hearing upon plaintiffs' motion for summary judgment heretofore noticed for August 25, 1947, may be advanced on the calendar and heard in conjunction with defendants' motion for summary judgment on August 18, 1947.

2. That the affidavits filed in support of each motion for summary judgment may be considered as filed in opposition to the adversary motion.

3. That plaintiffs may file subsequent to the hearing an affidavit by Abe Fortas upon the material described on page 35 of the affidavit of John L. Burling on or before September 8, 1947.

4. That the hearing upon the motions for summary judgment may be deemed a trial upon the merits of the above cause and that the various affiants would, if called, testify to the factual matter set forth in their respective affidavits. That such factual matters contained [287] in such affidavits as are competent, material, relevant, and not inadmissible as being the opinion or conclusion of the respective affiants be deemed as evidence adduced at the hearing of said case upon the merits.

Dated: This 21st day of August, 1947.

A. L. WIRIN and FRED OKRAND

By Frank F. Chuman

Attorneys for Plaintiffs

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants

It Is So Ordered this 22 day of August, 1947.

CHARLES C. CAVANAH

Judge, United States District Court

[Endorsed]: Filed Aug. 22, 1947. Edmund L. Smith,
Clerk. [288]

[Title of District Court and Cause]

AFFIDAVIT

District of Columbia—ss:

Abe Fortas, being first duly sworn, deposes and says that he wrote to Mr. Ernest Besig the letter bearing his signature, a photostatic copy of which is attached to this affidavit.

ABE FORTAS

Subscribed and sworn to before me this 27th day of August, 1947.

(Seal)

EDITH W. CALLAHAN

Notary Public, D. C.

My Commission expires February 29, 1948.

Service accepted this 2nd day of September, 1947.
Ronald Walker, Asst. U. S. Atty. [289]

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington

Mr. Ernest Besig,
Director, Northern California Branch,
American Civil Liberties Union,
216 Pine Street,
San Francisco 4, California.

My dear Mr. Besig:

This is in further reply to your letters of July 6 and July 17 concerning detentions at Tule Lake for violation of the special project regulations prohibiting Japanese nationalistic activities. We have completed our investigation and in this letter I shall report rather fully our findings and conclusions.

Basically there are, I believe, three points that concern you: (1) the need for and hence the reasonableness of the special project regulations, (2) the apparent lack of any limitations upon the discretion of the Project Director in enforcing the regulations, and (3) an apparent abuse of authority in imposing certain sentences involving minors. I should like to take up each of these points in turn.

1. When Tule Lake became a segregation center, WRA adopted a policy of permitting evacuees to operate Japanese language schools and engage in Japanese cultural activities, in recognition of the fact that many of the residents sincerely desired repatriation to Japan and that their children should be given an opportunity to become acquainted with Japanese culture. Unfortunately this policy was utilized as an entering wedge by a number of

strongly pro-Japanese evacuees for the formation of virulently pro-Japanese nationalistic organizations. These evacuees were motivated chiefly by the desire to attain standing in the eyes of the Japanese government and obtain positions of leadership in the colony. To this end they instituted Japanese-type military drill, mass exercises, bugling, wearing of Japanese insignia, emperor worship ceremonials, pro-Japanese demonstrations, and other purely Japanese nationalistic activities designed not to serve any cultural purposes but to instill in the Tule Lake people a fanatical devotion to the principles of the militarist regime in Japan. By preying on fear of Selective Service they induced parents to exert pressure on their children to join the organizations. In addition they resorted to intimidation, threats of violence and actual violence in coercing residents to join the organizations and participate in their demonstrations. It was primarily due to the pressures of these organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship this past winter. When Department of Justice representatives arrived at Tule Lake to conduct hearings on applications, the organizations stepped up their demonstrations and their pressures on the applicants. Undoubtedly many of the applicants were in the grip of the emotional [290] hysteria created by these organizations, or actually acting under fear of violence, in confirming their desire to renounce citizenship during the hearings. The general uniformity of the answers given indicated that the applicants were well coached. These facts are reflected in an increasing volume of cancellation requests from Tule Lake renunciants, who frankly state in many cases that they were acting under compulsion in renouncing their citizenship.

On January 19, 1945, Mr. John Burling, special representative of the Attorney General conducting renunciation hearings at Tule Lake, addressed a letter to the heads of the two principal organizations setting forth the position of the Department of Justice toward the activities of the organization. A copy of that letter is enclosed (Exhibit I). In that letter Mr. Burling, speaking for the Attorney General, strongly condemned the activities of the organizations and stated that they must stop. Despite this letter, which was widely circulated in the center, the activities of the organizations did not abate. In order to maintain peace and order, protect the Tule Lake residents who were loyal to this country or who disagreed with the aims and objectives of the organizations, and to stop the subversive activities of these groups, two steps were taken. One was the transfer of the known alien leaders of the organizations (including persons who had renounced their citizenship) to internment camps. The other was the adoption of the special project regulations prohibiting the overt demonstrations which were fundamental to the organizations' programs.

As a result of these two steps the organizations have lost much of their prestige. Many evacuees who joined the organizations have notified WRA of their withdrawal from membership. Opposition to the organizations has come out of hiding. Nevertheless the influence of the organizations is still strong, and their activities continue. The Director of the War Relocation Authority believes enforcement of the special project regulations is still necessary in order to maintain law and order at Tule Lake and guarantee to the law-abiding residents the right to live in peace and free from fear of violence and recrimination for failure to assert aggressive loyalty to Japanese war

aims. In the light of the facts I am unable to disagree with his conclusion.

2. As you state, the special project regulations assign no definite penalty for the prohibited acts. These regulations were, however, issued under and subject to the provisions of WRA internal security regulations applicable to all centers (Exhibit II). These over-all regulations prescribe procedural safeguards with respect to arrests and prompt arraignment and hearing. The right of the accused to counsel is guaranteed and the Project Director is specifically responsible for seeing that a complete case is fairly presented. The maximum penalty that can be imposed by a Project Director for commission of any one offense is imprisonment for not more than three months. In addition, any evacuee may of course carry his case directly to the Director of the Authority if he believes that he has been unjustly dealt with, and during the course of center operations a number of evacuees have done so.

Our investigation has revealed no departure from these over-all regulations by the Project Director in the enforcement of the special project regulations. While the sentence imposed in a number of cases has exceeded 90 days, this has [291] been because more than one offense was committed. We have found no instance in which the sentence imposed exceeded 90 days on any one count. Out of 454 persons apprehended for open violation of the special project regulations, 424 have been released without further action, after lectures on their behavior. Eleven received sentences ranging from 90 to 270 days. The remainder received sentences of 90 to 360 days, with 60 to 250 days of the sentence suspended on condition that they not violate the regulations after release. It has been

the general practice to carry out sentences of imprisonment only in cases where the violator is recalcitrant and states that he will continue to disregard the regulations if released. I believe that these facts reflect sane and considerate handling of this difficult problem.

3. Four recent cases of violation, including the two you mention in your letter of July 6, have involved persons under 18 years of age. Reports on these cases are enclosed (Exhibit III). Despite the youth of the offenders, the facts in the cases do not indicate in my judgment that the sentences imposed were unnecessarily harsh or that the cases could have been handled satisfactorily in some other manner.

None of the four youths involved in these cases has been classified as a detainee by the Western Defense Command or by the Department of Justice. So long as they wish to remain residents of the center they will be required under WRA regulations to serve their sentences. They are, however, free at any time to leave the center even if they are serving a sentence for violation of center regulations. The War Relocation Authority does not maintain that it has power to detain any person who is eligible to leave the center and wishes to do so, even if he is being disciplined for violation of project regulations. Administrative Notice No. 207, which prescribes this policy, is enclosed (Exhibit IV). I should also point out that the Authority could legally expel any such person from a center, although as a matter of policy this power is exercised only in aggravated cases.

In summary, I am unable to conclude on the basis of our investigation that the special project regulations are unnecessary, that the WRA procedures for enforcement

of the regulations are unreasonable, or that the Project Director at Tule Lake has exceeded his authority or been other than temperate under the circumstances in enforcing the regulations. I do not, of course, believe that my judgment should interfere with any action that the American Civil Liberties Union might deem appropriate under the circumstances. I should like to point out, however, that action such as you propose will doubtless be widely publicized. Enemies of the evacuees on the West Coast will undoubtedly play up the activities of the pro-Japanese organizations which will be the basis for the Government's defense. So far as the long run interests of persons of Japanese ancestry in this country are concerned, I think that the contemplated action would be a serious mistake.

Sincerely yours,

ABE FORTAS

Under Secretary

[Endorsed]: Filed Sep. 2, 1947. Edmund L. Smith, Clerk. [292]

[Minutes: Friday, September 5, 1947]

Present: The Honorable Charles C. Cavanah, District Judge.

This case having heretofore been tried before Judge Cavanah, and having thereafter been ordered to stand submitted, and the Court having duly considered the same, now causes its Opinion to be filed, and pursuant thereto, the Court finds in favor of the plaintiffs. [293]

[Title of District Court and Cause]

OPINION

Cavanah, District Judge.

The plaintiffs of Japanese ancestry born in the United States and residents of the State of California bring this action to cancel and declare null and void their renunciations of citizenship made by them when they were confined and detained in Relocation Centers, with a large number of Japanese who were not citizens of the United States during the period of the war.

They claim to be citizens and nationals of the United States by birth and assert that their renunciations were not of their free and voluntary act but were the result of undue influence, mistake, duress and coercion. Jurisdiction is vested by Section 903, Title 8 U. S. C. A., wherein it is provided that any person who claims a right or privilege as a national of the United States is denied such right by any department or agency upon the ground that he is not a national of the United States, may institute an action in a District Court of the United States for a decree declaring him to be a national of the United States.

The applications for renunciations were made under Section 801 of the Nationality Act of 1940, authorizing them to be made in compliance with law. [294]

The case, under stipulation, is before the court upon the merits and the record consists of the pleading and affidavits filed by the parties.

When considering the case, we must keep in mind that each of the plaintiffs' rights are to be considered and determined separately and according to the facts pertaining

to them. While the question of whether the government had the power to confine the plaintiffs in the Relocation Centers is not presented, yet, it seems pertinent to consider the decision of the Supreme Court in the case of *Ex Parte Endo*, 323 U. S. 283, a Japanese, claiming citizenship by birth in the United States, as relating to the situation of the plaintiffs were in and their conduct before and after confined in the Relocation Centers, upon the thought as to whether they were loyal abiding citizens or violating any laws before and at the time of their applications for renunciations, or it was for the protection of the war effort against espionage and sabotage, as bearing upon their state of mind as to duress and coercion, as the Supreme Court held that the War Relocation Authority is without authority to subject to its leave procedure loyal and abiding citizens of the United States, as the purpose of the law was the protection of the effort against espionage and sabotage and there is no basis for keeping loyal evacuees of Japanese ancestry in custody on the ground of community hostility.

The record here presents no problem of disloyalty, violations of law, or espionage and sabotage, and when not, their confinement is repugnant to the basis of liberty, and should be considered only as to whether the fundamental principles of law are applicable as to age, mistake, duress or coercion existed which dominated and influenced their minds is not acting freely and voluntarily at the time the plaintiffs made their applications for renunciations. This is the primary thought to be considered in the present case.

The inquiry then is, under the record relating to these plaintiffs, what are the facts relating to each of them separately and the situation existing at the Center? [295]

The plaintiff, Albert Yuichi Inouye, was a young boy of the age of seventeen years at the time he signed his application for renunciation and born in the United States. His parents were of Japanese ancestry and subject to being deported. He was the only son and had never been in Japan or had any feeling of loyalty to that country. He was with his family when they were evacuated from Los Angeles to the Manzanar Relocation Center in California and thereafter transferred to Santa Fe Detention Center, New Mexico, where he remained until his release. He was not disloyal to the United States or violated any law or performed any act or conduct that could be considered espionage and sabotage. Prior to his evacuation he attended the public schools and was active in the Christian Church, Y.M.C.A. athletics, participated in the contribution to the drives for infantile paralysis, tuberculosis, waste paper and purchased war savings stamps. While at the Relocation Center he was active in the American Red Cross project and went to school there. While seventeen years of age in March, 1945, he applied for renunciation and signed the application form furnished by the Department of Justice on July 9, 1945, and withdrew his renunciation on August 23, 1945, which was of no avail. While at the Relocation Center he was accorded another hearing and after proof of his loyalty to the United States had been evident was released in April, 1946. Soon after his release from the Center he volunteered for the United States Army, was ordered to report for overseas duty on November 2, 1946, and on November 16, 1946 for Military Intelligence school where he is presently stationed.

At the hearing before the government agent and what had occurred before, it appears clear that the youth

yielded to parental compulsion and a clear case of "parental influence" in order to hold the family intact. In his application to withdraw his renunciation, he states that his renunciation was done under mistake and influence, not his free will and that he was a minor. [296]

Two thoughts are presented relating to his renunciation: First, can one born in and a national of the United States legally renounce his citizenship at the age of seventeen years? Section 801 of the Nationality Act of 1940 is silent as to the age when a person may renounce his citizenship. A minor being one under the age of twenty-one cannot, by his activities, be legally deprived of his civil rights but the defendants contend that as Section 803 of the Nationality Act of 1940, provides that no national under eighteen years of age can expatriate himself under Subsections (b) to (g) inclusive, Section 803 requirement of eighteen years should apply to Subsection (1) of Section 801. It will be observed that both Section 801 (1), under which the renunciations were made, and Section 803 were enacted at the same time and no mention as to age is made in Section 801, at which a person who is a national of the United States by birth shall lose his nationality, and the mere fact that a national eighteen years of age can expatriate himself under Section 803 was only to lower the age at which expatriation could be affected except under Section 801, as Section 803 (a) enacted at the same time as Section 801 (a) states "except as provided in sub-sections (g), (h) and (i) of Section 801, no national can expatriate himself or be expatriated under this section while within the United States or any of its outlying possessions". Therefore, Section 803 does not apply as it relates to different instances than the provisions of the Act under which these renunciations were

made when applied to the general principle requiring one to have reached his majority. The requirement of age which renunciation of citizenship can be made should not be left to conjecture in face of Congressional silence and the rights of citizenship are not to be destroyed by ambiguity. *Perkins v. Elg*, 307 U. S. 325.

Furthermore, these plaintiffs have not expatriated themselves. To constitute an expatriation there must be an actual removal from the country of which the individual is a citizen or a subject, made voluntarily by a person of full age.

The Fourteenth Amendment of the Constitution declares: "All [297] persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside." In *Ex Parte Ching King*, 35 Fed. 354, where a child born in the United States of Chinese parents was an American citizen and his status thus acquired under the Constitution of American citizenship "can only be lost or changed by the act of the party when arrived at majority, and the consent of the government".

In the case of *United States ex rel. Baglivo v. Day*, 28 Fed. (2d) 44, it appears that Baglivo born in the United States was excluded as an alien not in possession of an immigration visa who went to Italy and endeavored to return and while in Italy he was in the Italian Military Service. The court held that: "A native born citizen, who has not attained the age of 21 years, cannot renounce allegiance to the United States."

Therefore, at the time the plaintiff Albert Yuichi Inouye signed his application and its approval by the government, he, being under the legal age the same is void.

The second thought of his claim, being under "parental influence" and was not acting of his own free will and act, brings his status under the principle that where acts of a child done under the domination of the parent and which dominates the mind of the minor or unfair persuasion, it is regarded as induced by unfair persuasion and influence of the minor and is voidable, but it is asserted by the defendants that at the time he signed his application he wanted to go to Japan with his parents, who were subject to deportation. This expression of a boy of the age of seventeen is a natural one not to be separated from his family who was going to a foreign and distant country, if we consider the force and control of human nature and its depressing effects. The results flowing from that parental domination and the acts of fear constitute undue influence, duress and coercion, require them to be declared null and void. They should be considered in the light of the circumstances under which they were performed. Feebleness [298] on one side and overpowering strength on the other imply duress.

We come to the consideration of the other plaintiffs, who were evacuated and confined in Tule Lake Center in California. They were young people when they signed their application for renunciation. The plaintiff, Miye Mae Murakami, born in California, when she signed her application for renunciation was married to her present husband in September, 1939, a Japanese alien, and was evacuated with her family in April, 1942. In February, 1944 she was sent to the Tule Lake Center under the "segregation program" and as a result of her husband having applied for repatriation and reports and statements uttered to her that all American citizens and Japanese aliens would be segregated into different camps re-

ardless of age or marriage. Feeling that it was not necessary to be separated from her husband and in fear of being assaulted unless she did so renounce her citizenship, the strong arm and tactics used by the gang of young disloyal Japanese at Tule Lake Center which kept the ward where she was living in constant state of tension, hysteria and fear, and reports of assaults, stabbings in the dark, compelled her for her own safety and welfare to renounce her citizenship.

The plaintiff, Tsutako Sumi, born in California, married a Japanese alien and is the mother of three children. She and her husband were evacuated in April, 1942, and sent to the Tule Lake Center. After her husband had applied for repatriation, she applied for renunciation and released in October, 1945, from Tule Lake Center. She lived in a block at Tule Lake Center where the rabid pro-Japanese elements were and she lived in a daily atmosphere of fear and threats. Her husband was forced by the pro-Japanese elements to have her renounce her citizenship, which he did by coercion against her will.

The plaintiff, Mutsu Shimizu, born in California, was married in 1938 to a Japanese alien. She and her family were evacuated in 1942 and confined in Tule Lake Center. She is the mother of three children born in the United States. She renounced her citizenship which was approved in October, 1945. Thereafter, she was ordered released [299] from the Center. She says the reason she renounced her citizenship was because of pressure and influence aggravated by threats, killings, stabbings im-

posed upon those who did not renounce. Her husband was an active leader in the pro-Japanese group. Her brothers and relatives had assisted the United States during the war. She states that she did not want to renounce her citizenship.

The War Relocation Authority found that each of the plaintiffs were free of any suspicion of disloyalty to the United States.

We are confronted with the situation at Tule Lake Center where three of the plaintiffs were confined prior to and at the time they made their renunciation. A high degree of excitement and mass hysteria existed. Two groups of Japanese existed, one consisting of Japanese born in the United States and who were not disloyal and guilty of espionage and sabotage or violation of any law, and one consisting of those who were not citizens and pro-Japanese belonging to terror groups of violent activities of assaults, beatings, threats of murder and murder of those Japanese who opposed their policies and activities and who were in danger of physical violence. Those Japanese who spoke against the pro-Japanese were brutally assaulted causing them to be in mental fear, intimidation and coercion when they applied for their renunciation, is clearly revealed by the affidavits and which were the primary and controlling factors in divesting them of their citizenship. Such persons should not be held responsible for their action as it was not their full and voluntary will.

The modern view and true doctrine of duress and coercion is to be tested which results from threats and fear of actual or apparent physical injury or violence producing a state of mind of the injured party is the ultimate fact of whether such person was deprived of the free exercise of his will power. Freedom of will is essential in the exercise of an act which is urged to be binding, and the right of citizenship being an important civil one can only be waived as the result of free and intelligent choice. The mere fact that some of the [300] plaintiffs having stated that they knew the results of their renunciations does not remove the primary force and effect of duress, coercion and undue influence that caused them to renounce.

For the reasons thus stated, the results of the plaintiffs' renunciations having been made under undue influence, duress and coercion and not of their free will and act, and the further thought as to the plaintiff, Albert Yuichi Inouye, not being competent of legal age at the time he made his application for renunciation, who also acted under undue influence, duress and coercion, their renunciations are declared to be null and void and cancelled and they are restored to their rights of citizenship.

[Endorsed]: Filed Sept. 5, 1947. Edmund L. Smith, Clerk. [301]

[Title of District Court and Cause]

STIPULATION FOR SUBSTITUTION OF PARTY
DEFENDANT

Whereas, William A. Carmichael is the successor to the defendant Albert Del Guercio as District Director of the Immigration and Naturalization Service of the United States Department of Justice for the Southern District of California and replaced said defendant Albert Del Guercio on May 12, 1947, and has occupied said office since that time;

It Is Hereby Stipulated between the attorneys for the parties in the above entitled action that William A. Carmichael may be substituted as party defendant in the place and stead of Albert Del Guercio.

Dated this 17th day of September, 1947.

A. L. WIRIN & FRED OKRAND

By Fred Okrand

Attorneys for Plaintiffs [302]

JAMES M. CARTER

United States Attorney

By Ronald Walker

Attorneys for Defendants

ORDER

Upon the reading of the stipulation of the attorneys in the above entitled action and good cause appearing therefor, It Is Hereby Ordered that William A. Carmichael is substituted as party defendant in the place and stead of Albert Del Guercio.

Dated: September 18th, 1947.

CHARLES C. CAVANAUGH

Judge, United States District Court

[Endorsed]: Filed Sep. 18, 1947. Edmund L. Smith,
Clerk. [303]

[Title of District Court and Cause]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above entitled cause came on regularly for trial on August 18, 1947, in the courtroom of the Honorable Charles C. Cavanah, Judge, presiding without a jury, no jury having been requested, A. L. Wirin and Fred Okrand by A. L. Wirin and Frank Chuman, appearing as attorneys for plaintiffs, and James M. Carter and Ronald Walker by Ronald Walker, appearing as attorneys for defendants, and evidence having been introduced on behalf of all parties, and the Court having considered the same and heard the arguments of counsel and being fully advised, makes the following:

FINDINGS OF FACT

1. Plaintiffs and each of them are of Japanese ancestry born in the United States and are residents of the Southern District of California.

2. Defendant Albert Del Guercio was the duly appointed and acting District Director of the Immigration and Naturalization Service of the United States Department of Justice for the Southern District of California and was the head of said agency for said district of Southern California until May 12, 1947. William A. Carmichael on May 12, 1947, succeeded to the office formerly held by defendant Albert Del Guercio. Defendant Tom C. Clark is the Attorney General of the United States and as such is the head of the United States Department of Justice. [305]

3. The plaintiffs by virtue of their birth in the United States and their United States citizenship [A.L.W.]

claim to be nationals of the United States and further claim the rights and privileges of nationals of the United States; the defendants deny that the plaintiffs are nationals of the United States and further deny the plaintiffs' rights and privileges as nationals of the United States and have announced that plaintiffs do not possess United States nationality nor citizenship.

4. On July 1, 1944, Congress amended Section 401 of the Nationality Code (Title 8, U. S. C. A. Section 801) by adding an additional ground for loss of citizenship as follows:

"A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by * * * (i) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war, and the Attorney General shall approve such renunciation as not contrary to the interests of national defense."

5. Plaintiff Aibert Yuichi Inouye was born on May 30, 1927, in Berros, San Luis Obispo County, California. He attended the public schools in West Los Angeles, California. On April 28, 1942, he was evacuated with his family from West Los Angeles to the Manzanar Relocation Center. Prior to his evacuation, he was active in the Y. M. C. A., the Christian church, athletics, and had also participated by contributing to the drives for infantile paralysis, tuberculosis, waste paper, and purchased war savings stamps. While at the Manzanar Relocation Center, he was active in the American Red Cross

project and the U. S. O. and went to school there. On March 7, 1945, while of the age of seventeen (17) years, he applied for an application form for renunciation of citizenship as provided for under Section 801 (i) of the Nationality Act of 1940 [306] as furnished by the Department of Justice. He was granted a hearing on his renunciation on July 9, 1945, and further signed a renunciation of United States nationality form of the Department of Justice on July 9, 1945, which was approved by the Attorney General on August 7, 1945.

On August 23, 1945, he transmitted a letter to Attorney General Tom C. Clark in Washington, D. C., expressing his intention of withdrawing his application for renunciation of his United States citizenship. The letter is forth in toto as follows:

	August 23, 1945
Hon. Tom Clark	(Office of the)
Attorney General of the United States	(Received)
Washington 25, D. C.	(August 27, 1945)
Dear Sir:	(Attorney General)

I want to withdraw my application for renunciation of my American citizenship, and I disaffirm that application for the reason that I made it originally before I was 18 years of age, for the reason that I am still a minor under the age of 21 years, and for the reason that I executed it under a combination of circumstances which amounted to undue influence and mistake. I ask your consideration and your assistance if possible in correcting the situation in which I find myself.

I have received no word that my application has been approved by you, and I hope that this letter will serve to

cancel and withdraw my application before it is approved. However, if, in your opinion, it cannot have that effect, or if you have already approved my application, I do want to disaffirm it for the reasons given. If I should no longer have American citizenship, my position will be particularly unfortunate because under the existing laws I will have no way of regaining my American citizenship through naturalization. I am not a citizen of any other country, and I have no desire to become a citizen of any other country nor is there any [307] other country to which I want to go. Under these circumstances I will be a stateless person, a man without a country, living in my native country without any of the privileges of a citizen and without hope of ever gaining them.

It is true that if this happens it will be my own act, but I can only say that I am not yet a man, and that the circumstances were such that I was under strong pressure and did not know or realize what I was doing.

My parents are alien Japanese, but my father has not been in Japan since 1906, and I have never been there. Therefore I owe no loyalty to Japan and never had any. However, my parents have never been eligible to citizenship, and while they have strong ties with the United States, they have never been able to become part of this country in every sense and therefore they have never been able to break all of their ties with Japan.

The evacuation was a shock to my parents and to me and my sisters. Not only was it a shock but it also caused our family to lose what we had, a car, which was nearly paid for, and a home, which was held in trust for me. This happened while my father was interned, and all of these experience made him feel that there would

be no future for him or my mother, except in Japan. I felt that it was my duty as the only son to go with them and to help get them settled in Japan, but I never had any idea of staying there permanently. I think that my attitude toward going to Japan was brought out quite clearly in the interview I had with Mr. Rothstein. If my parents had not wanted to go to Japan I would not have ever thought of asking for repatriation, and if I had not been influenced by the evacuation and the situation in camp, I know that I would have done everything expected of any other citizen of this country.

The result of our repatriation requests was that none of our family could leave Manzanar, and when the Army began to exclude people individually, they put me on the segregation list and all [308] that I could look forward to was being held here and finally transferred to Tule Lake. The Army officer had talked to me about renouncing my citizenship, and it seemed to me that that would be the next step, so in March, before I was even 18 years old, I made that application. Then I had a hearing in Manzanar on July 9. I had just passed 18 on May 30. I was confused about everything, and so I signed the papers, but I did not realize what I was getting myself into.

I hope that you will help me get out of this situation, and if I cannot, I hope that I will be allowed to relocate with my family, and maybe some day I can earn my citizenship back again.

Very truly yours,

Albert Yuichi Inouye

24-7-1

Manzanar, California

Again on August 28, 1945, he sent a telegram to Tom C. Clark, Attorney General of the United States in Washington, D. C., of his withdrawal of his application for renunciation, which telegram is set forth below as follows:

WESTERN UNION

1945 Aug 28 PM 11 07

TA 50

T. BE589 NL PD-TDPN MANZANAR CALIF 28
ATTORNEY GENERAL UNITED STATES
WASHDC-

I WITHDRAW MY RENUNCIATION APPLICATION AND DISAFFIRM IT BECAUSE OF MY MINORITY AT TIME OF ORIGINAL APPLICATION AND UNDUE INFLUENCE AND MISTAKE. I AM NOT A CITIZEN OF JAPAN OR ANY COUNTRY OTHER THAN THE UNITED STATES AND RESPECTFULLY REQUEST YOUR CONSIDERATION AND ASSISTANCE IN MY SITUATION LETTER FOLLOWS -

ALBERT YUICHI INOUE. [309]

Notwithstanding his withdrawal of renunciation, he was transferred to the Alien Enemy Detention Camp in Santa Fe, New Mexico, on September 8, 1945. On October 10, 1945, he applied for non-repatriation to Japan, and on December 20, 1945, made formal application for a hearing on his application for non-repatriation. He

set forth his desire to remain in the United States for the following reasons:

- "1. At the time of my renunciation I did not know any legal knowledge and realize what I was getting into, because I was a minor under the age of 21 years of age.
- "2. I have never been to Japan and have no desire to go there.
- "3. Because my family is remaining in this country now living at Encino, California and I would like to join them and remain this country.
- "4. I have never been in any subversive activities or organizations and I am not a pro-japanese trouble-maker."

In the report and recommendation of the hearing officer at the hearing on his application for non-repatriation on February 18, 1946, said hearing officer remarked as follows:

"No organizational activities; excellent employment record at Manzanar and Santa Fe. Has never been to Japan; thoroughly Americanized. Clear case of parental influence. See transcript of renunciation hearing. At that time stated that he had no feeling of loyalty to Japan. Answered questions 27 and 28 on Army Registration form in the affirmative."

-

As a result of the hearing and the recommendation of the hearing officer, he was ordered released from the Alien Internment Camp at Santa Fe, New Mexico, on March 27, 1946. Soon after his release from the camp, he volunteered for the United States Army and [310]

was ordered to report for overseas duty on November 2, 1946, and on November 16, 1946, was ordered to the Presidio of Monterey, California, for Military Intelligence Language School training.

6. Plaintiff Miye Mae Murakami was born on November 18, 1917, in Mountain View, California. She attended the public schools in Menlo Park, California. She married her present husband, a Japanese alien, on September 16, 1939. She was evacuated with her family from Santa Monica, California, on April 28, 1942, and sent to the Manzanar Relocation Center, California. In February 1944, she was transferred to the Tule Lake Center under the "segregation program" as a result of her husband having applied for repatriation to Japan. On March 1, 1945, she applied for permission to renounce United States nationality and was granted a hearing on said application on March 14, 1945. She signed a form for renunciation of United States nationality on the same day as the hearing, to wit: March 14, 1945, which was approved by the Attorney General on May 3, 1945.

In a letter sent to Mr. E. J. Ennis of the Enemy Alien Control Unit of the Department of Justice in Washington, D. C., dated August 30, 1945, she set forth the fact that pressure had been applied to her to renounce her citizenship. The letter is set forth below as follows:

"Dear Mr. Ennis:

"Several months ago, I renounced my United States citizenship which I regret very much. My final papers have not come so I am writing in hopes that this letter reaches you in time.

"At the time I sent my application in, the members of the organization made it so that to have peace

around the block one just had to renounce his citizenship. The pressure was so bad we even had to join this organization, but we managed to withdraw later.

“Also at that time, I thought that my husband, who is an alien and I, who is a citizen, would be separated so the only way [311] was to renounce my citizenship and remain together.

“At the relocation office I found out that my husband is on the free list while I am not; just because of my citizenship.

“For the above reasons, I would like you to reconsider cancellation of my renunciation of citizenship. I am asking for a parole from Tulelake so I can go out with my husband.

“Am anxiously waiting for a reply, I remain,

Yours very truly,

/s/ Mae Miye Murakami”

In the report and recommendation of the hearing officer on her application for non-repatriation dated June 25, 1946, she stated to the hearing officer that the primary reason for her having renounced her United States nationality was her fear of being separated from her husband in view of the fact that she had three small American-born children to care for. As a result of her hearing, she was ordered released from the Tule Lake Center on February 21, 1946.

7. Plaintiff Tsutako Sumi was born on October 13, 1914, in Los Angeles, California. She is married to a Japanese alien and is the mother of three small children. She and her husband, together with the children, were

evacuated to the Manzanar Relocation Center in April 1942, and were later transferred to the Tule Lake Center under the "segregation program" on February 27, 1944, after her husband had applied for repatriation to Japan. She applied for permission to renounce United States nationality on January 20, 1945, and was granted a hearing on renunciation of her citizenship on February 1, 1945. On the day of the hearing, she also signed a form renouncing her United States nationality, which renunciation was approved on May 3, 1945. On December 3, 1945, she addressed a letter to the Department of Justice in Washington, D. C., that she had applied for her application for renunciation by mistake. A copy of this letter is set forth below: [312]

"Dear Sir:

"I, Sumi Tsutako, (Family No.) 1293 and re-
Last Name
siding at 7502-AB Tule Lake, Calif. am a renounee
and applied for an application for repatriation by
mistake.

"My desire is to remain in this country with my
children who are all American citizens.

"At that time, I immediately notified the Philadelphia Office of Japanese Interest to have my application changed to Application for non Repatriation.

"As I had notifed you about this matter, I am writing this letter at this time to have my case recorded at your office.

Very truly yours,

/s/ Tsutako Sumi"

Thereafter on January 23, 1946, at a hearing as to whether she should be repatriated to Japan, the hearing officer reported that her reason for renouncing her United States nationality was to accompany her husband to Japan. An order for her release from the Tule Lake Center was entered on February 19, 1946.

8. Plaintiff Mutsu Shimizu was born on July 4, 1914, in Los Angeles, California. She married her husband, a Japanese alien in 1938. She attended the public schools in Venice, California. She is the mother of three children born in the United States. She and her husband with the three children were sent to the Gila River Relocation Center, and were later transferred to the Tule Lake Center under the "segregation program" as a result of her husband having applied for repatriation to Japan. Her brothers and relatives have all served honorably in the United States Army or assisted directly in other ways in the war effort. One of her brothers served in the United States Army in Korea; her other brother taught the Japanese language at the Army language school at Stillwater College, Oklahoma; her two brothers-in-law served overseas in the United States Army. [313]

On December 28, 1944, she applied for permission to renounce her United States nationality and was granted a hearing on January 16, 1945. On the day of the hearing, she further signed a form renouncing her United States nationality, which renunciation was approved by the Attorney General on May 3, 1945. On November 5, 1945, a letter was addressed to the War Department in Washington, D. C., by her parents on her behalf that she had renounced her citizenship because of the atmosphere which prevailed in Tule Lake Center which

forced her to renounce against her will. A copy of this letter is set forth below as follows:

“November 5, 1945.
Gallup, New Mexico

“War Department
Department of Justice,
Washington 25, D. C.

“Dear Sir:

Re: Mrs. Mutsu Shimizu
address 402-C
Tulelake, California.

“We the undersigned are the parents of the above person. Now we understand that she has changed her mind and desires to remain in this country forever. Also, we understand that she previously has renounced her citizenship that might be caused by such atmosphere in Tulelake Center, where such a formidable atmosphere often prevails in such a camp as Tulelake.

“Now she realizes her wrong attitude and has changed her mind and wishes to stay in this country together with her husband namely Akira Shimizu and their three children.

“As the parents to foresaid Mutsu Shimizu, we heartily beg to Your Honor for your consideration on this case and please let them stay in this country, and we are to be sure that she was a good citizen in this country and will be the same in the future. [314]

“Yours truly,

/s/ Kichiji Chuman Father
/s/ Toyo Chuman Mother
P. O. Box 512
Gallup, New Mexico”

At the hearing that was held on January 15, 1946, she stated that she renounced her citizenship in order to accompany her husband to Japan in the event her husband was deported, and that if she attempted to raise her children outside the camp, she did not feel that normal life was possible in the United States because of prejudice. As a result of the hearing, an order was entered on February 13, 1946, that she should be released from the Tule Lake Center.

9. Each of the plaintiffs was found by the War Relocation Authority to be free of any suspicion of disloyalty to the United States.

10. In January 1942, great anti-Japanese agitation was aroused, proposing that all persons of Japanese ancestry should be evacuated from the West Coast of the United States. The agitation resulted in the ultimate removal from this area by military authorities of all persons of Japanese ancestry whether alien or citizen of the United States.

11. In February, 1942, approximately six hundred (600) males of Japanese ancestry who theretofore had been serving in the United States Army, either by way of induction or enlistment, had been honorably discharged from the United States Army or transferred to the Reserves. The certificates of honorable discharge gave as the reason for discharge, for the convenience of the Government. Commencing in March through the spring of 1942, one hundred and ten thousand [315] (110,000) persons of Japanese ancestry, both citizens and aliens alike, were removed from the Western Defense Command composing all the Pacific Coast states into assembly centers and later into relocation centers. Such evacuation was felt by these persons to be proof that they were

persona non grata to the American public and to the United States Government. In a matter of a few short weeks, a lifetime of savings had been lost. They had lost their homes and friends. They had been forced to liquidate, give away, or abandon their farm equipment, merchandise, and such other valuable and personal property that they had.

12. In the Spring of 1943, the War Relocation Authority, under which persons of Japanese ancestry had been placed under military guard in the relocation centers, encountered unfavorable publicity in the press. A subcommittee of the House Select Committee to Investigate Un-American Activities conducted an investigation into the policies of the War Relocation Authority and recommended segregation of those whom it deemed disloyal to the United States from those it deemed loyal. The preparation for this segregation process was carried on in the spring and summer of 1943. The Tule Lake Relocation Center was designated as the depository for "disloyal" Japanese. Over 6,000 American citizens of Japanese ancestry stigmatized as disloyal entered the Tule Lake Center in September and October of 1943 under this segregation program. Some 6,000 residents of Tule Lake who refused to move to another relocation center were also present in the center. Other persons included women and children. Children loyal to the United States were allowed to accompany segregree parents. Parents who were aliens loyal to the United States were allowed to accompany segregree children.

Several reasons were prominent as to why the evacuees decided to become segregants and to assume the status of individuals disloyal to the United States. They included (a) fear of being [316] forced to leave the cen-

ters and face a hostile American public; (b) concern for the security of their families; (c) fear on the part of evacuee parents that their sons would be drafted if the sons did not become segregees; (d) anger and disillusionment, owing to the abrogation of citizenship rights; (e) bitterness over economic losses brought about by the evacuation. A great many of the people at Tule Lake under the segregation program also regarded it as a place of refuge where they might remain for the duration of the war.

The final count under the segregation program was eighteen thousand (18,000) persons. They were placed in the Tule Lake Center in an area of six square miles of black volcanic ash and were forced to live in uncomfortable, black tar-paper barracks under a pall of black smoke in the winter and ash and dust in the summer. The 18,000 people within the confines of barbed-wire enclosure comprised a conglomerate community of persons from all walks of life living in close proximity with one another, not by reason of freedom of choice but under a predetermined program prescribed for them by the Government. There was no normal living to be found. Families from isolated rural communities were flanked by strange families from urban communities. Fishermen from Terminal Island, farmers from Central California, merchants from Seattle, Portland, San Francisco, Los Angeles, lawyers, doctors, and other professional persons and scholars, and even the gamblers, prostitutes, and criminals were co-mingled into this community. They lived in crowded, dismal barracks, ate unpalatable food of the mess halls, lacked privacy in community lavatories and laundry rooms, and lived in a constant atmosphere of a concentration camp of dead monotony.

The segregation program brought together persons who honestly felt an allegiance to Japan and the Japanese Emperor, but it also brought the trouble-makers, the malcontents, the fractious, the rebellious and frustrated, the draft-dodgers, the fanatics, [317] the social misfits, the professional "organizers," the party politicians, the political leaders and their gangs of "goons" and "strong arm" boys.

13. On November 1, 1943, there was a demonstration by the residents of Tule Lake Center against Dillon Myer, the Director of the War Relocation Authority. The leader of the representative body composed of Japanese residents engineered a mass demonstration. The behavior of this crowd was orderly. On the same day, however, a group of young Japanese entered the center hospital and attacked and severely beat the Caucasian chief medical officer who was unpopular with the Japanese residents.

14. On November 4, 1943, a fight broke out between the Caucasian War Relocation Authority Internal Security force (police department of the center) and a group of young Japanese men. Immediately thereafter the military assumed control of the center to prevent further demonstrations and attacks upon Caucasian personnel. The leaders of this mob action were placed within a barbed-wire stockade which had been constructed in the center.

15. From November 13, 1943, until January 24, 1944, the military completely controlled the Tule Lake Center under a declared condition of martial law.

16. On January 24, 1944, the Army returned Tule Lake Center to the control of the War Relocation Au-

thority. The Army, however, still held some three hundred and seventy-five (375) Japanese men as prisoners in the barbed-wire stockade, including all the members of the self-constituted "negotiating committee" which had engineered the meeting with Mr. Dillon Myer on November 1, 1943.

17. In the spring of 1944, it was becoming more and more evident on the part of Caucasian and Japanese residents that there existed a strong underground pressure group composed mostly of fanatic Japanese aliens and those persons of Japanese ancestry whose [318] sympathies lay with the Japanese Government. This underground group was considerably strengthened by the arrival of certain parolees from Santa Fe Alien Internment Camp, a camp operated by the Department of Justice for those whom it had apprehended as Japanese whose presence in the Western Defense Command at the outbreak of the war between Japan and the United States on December 7, 1941, was inimical to the national defense. Powerful gang leaders accompanied these groups of parolees.

18. In the spring of 1944 soon after the arrival of this group of parolees or in April 1944, the underground group emerged and adopted the name Saikakuri Seigan (literal translation: "Appeal for Resegregation"). This resegregation group was also known as the Sokuji Kikoku Hoshi-dan whose membership was composed of families, adult aliens, citizens, and minor children.

19. Later in 1944, the Hoshi-dan sponsored an auxiliary body for young men. This was called the Young Men's Fatherland Group. It was also called the Sokoku Kenkyu Seinen-dan and the Hokoku Seinen-dan. Most of the members were citizens of the United States.

These organizations were intimately related, and many or most of the members of the Young Men's Fatherland Group were members of the resegregation group. The older men, i.e., the Issei, advised the Young Men's Fatherland Group and formed most of the policies of the young organization. It was the avowed purpose of the resegregation group to set up activities to keep the center in a state of turmoil. A series of assaults were added to the tension. Certain men who had openly criticized the activities of the resegregation group were attacked at night and severely beaten. Several of the beatings were engineered by the alleged gang leaders. None of the assailants were apprehended by the police. In the Tule Lake Center, seven men alleged to be "inusu" were beaten. There was an extraordinarily powerful evacuee fear of being considered an "inu" or "stool pigeon." The "inu" phenomenon was a potent means of social [319] control in all the centers. In Tule Lake, it played a significant part in sociological developments which preceded renunciation of citizenship. It was largely responsible for the fact that terrorists and persons guilty of violent assault were not denounced to the authority.

20. On July 1, 1944, Subsection (i) of 401 of the Nationality Act authorizing renunciation of American citizenship under certain expressed circumstances was added to the Nationality Code of 1940. The proposal that American citizens should be permitted in time of war to renounce their citizenship was made for the purpose of devising a system of controlling the disloyal and riotous element at Tule Lake by separating them through renunciation of their American citizenship into enemy aliens for control and detention by the Department of Justice.

21. On July 3, 1944, Mr. Hitomi, the General Manager of the Cooperative and an alleged "inu," was found in front of an apartment of his relative with his throat cut. The remaining members of the Cooperative's Board of Directors received anonymous communications that they would meet the same violent end if they did not cease their opposition to the pro-Japanese association. The Japanese members of the Board resigned in a body. All Japanese members of the Internal Security also resigned and sought shelter for their families and themselves on the Caucasian side of the fence. The residents of the center were frightened for weeks. A period of extreme community tension and fear followed the murder of Mr. Hitomi. This murder set a pattern of violence over and above the ordinary beatings which took place from time to time, over and above the daily threats and intimidations which the organized minority used to dominate the unorganized majority. If Mr. Hitomi was killed for some reason or for no reason at all, the residents were in constant fear that the same thing would happen to them. [320]

22. On July 13, 1944, the Tule Lake project newspaper, *The Newell Star*, published a statement explaining that the Congress of the United States had passed a law which provided that a citizen of the United States might make a formal written renunciation of nationality.

23. On August 12, 1944, the resegregation group leaders organized a young men's group ostensibly devoted to the study of Japanese history and culture called the Sokoku Kenkyu Seinen-dan or the Young Men's Fatherland Group. This new group was fostered and developed by subversive leaders who organized "goon" squads or "strong arm" boys to execute their orders. In a high-

powered membership drive and with the use of every kind of deception, intimidation, and threat, the membership boomed. Many people, both young and old, were forced to join this subversive organization against their will. Men were forced to shave their heads. The Americanized girls were coerced into membership and then to wear their hair in "pig tails."

24. On September 24, 1944, a petition was circulated by this subversive group for renunciation by American citizens of their citizenship. This petition for renunciation was circulated without the permission of the War Relocation Authority. Pressure was exerted upon the residents who would not sign such a petition. A substantial majority of the residents disapproved of this petition and further resented the social pressure applied by its circulators. Gang leaders were threatening persons who opposed their program with violence. Many residents believed that if they opposed this resegregation group movement that they were in immediate danger of physical violence from the gang. In fact, the residents could not even speak against this resegregation program.

25. On September 27, 1944, the War Relocation Authority issued a statement that the petition was unauthorized. There was evidence, however, that the resegregationists continued their [321] efforts to get signatures.

26. On October 15, 1944, several elderly Issei men were attacked by a group of assailants and severely beaten. The attack was instigated by one of the advisors of the Young Men's Fatherland Group. The attack was occasioned by these persons having publicly spoken against the activities of the resegregation group.

27. On October 21, 1944, the gang leader of the Young Men's Fatherland Group addressed the members of the group and told them that he would incite the men to violence and promised to take care of them if they got into trouble.

28. On October 30, 1944, the right-hand man of the alleged gang leader knifed a young Nisei. The father of the victim had been a resegregationist, had "found out how rotten they were," and had publicly criticized the alleged gang leader. In addition to the known leaders of the disloyal organization, there was a group of unknowns, behind-the-scene advisors and strategists, who were much more powerful than the known leaders and members of the organization. These unknown advisors and strategists employed force through the use of "goon" squads. These strong armed gangs of fanatic young men operated at night intimidating, threatening, attacking, beating, and even accomplished a murder. The local evacuee police force was afraid to interfere with the activities of these hoodlums.

29. On December 5, 1944, Mr. John L. Burling of the Alien Enemy Control Unit of the War Division of the Department of Justice arrived at the Tule Lake Center to initiate the hearings for renunciation of citizenship. Mr. Burling had been sent by Assistant Attorney General Wechsler.

30. On December 6, 1944, the renunciation hearings commenced and continued until December 14, 1944. During this period there was an intensification of tensions, fears, and extreme insecurity, brought about by misinterpretations of administrative [322] policies on the part of the residents, which raised the residents to a state

bordering on panic. The common witticism among officials of the center at the time of the renunciation hearing was that the population of the center was largely "mad" and that the center should be taken from the War Relocation Authority and transferred to the United States Public Health Service to be run as a specie of mental institution. A nucleus of genuinely pro-Japanese leaders whipped the people up to hysterical frenzy of Japanese patriotism. Also, at or near the renunciation hearing, the pro-Japanese organization established a "college of renunciation knowledge" and carefully coached those called for hearings on questions which would be asked and the correct answers to be given. Specific instructions were given on what to say and how to act at the hearings.

31. The following is a brief description of the physical facilities and operation of the renunciation hearing procedure. Mr. John L. Burling was assigned a hearing room for his exclusive use. He was assigned a Caucasian interpreter and a Caucasian stenographer by the War Relocation Authority. Individuals who had applied for permission to renounce citizenship were called in separately and questioned by Mr. Burling. No other person of Japanese ancestry was in the room. After the questioning was finished, the applicant was presented with a renunciation form which he was asked to sign. Stenographic transcripts were taken of each hearing.

32. On December 19, 1944, Major-General H. C. Pratt, Commanding General of the Western Defense Command, withdrew the public proclamations and orders of 1942 which had ordered the exclusion of all persons of Japanese ancestry from the West Coast area. This lifting of the exclusion order permitted all such persons to return to the West Coast with the exception of named in-

dividuals who were served with individual exclusion orders. The project newspaper, *The Newell Star*, published this proclamation on the same day. [323]

33. Also on December 19, 1944, the War Relocation Authority, through Mr. Dillon Myer, issued a statement that all of the centers would be closed with a period of six months to one year after the revocation of the exclusion order. An Army team of some twenty officers further began to hold hearings on December 19 for the purpose of inducting loyal male residents of American citizenship into the United States Army.

34. On December 23, 1944, Mr. John L. Burling returned to Washington, D. C. to report to Mr. Edward J. Ennis, head of the Enemy Alien Control Unit, Assistant Attorney General Wechsler, and Attorney General Francis Biddle. Mr. Burling had been at the Tule Lake Center a period of eighteen days.

35. On December 26, 1944, as a result of force, fears, coercions, and intimidations of pro-Japanese aliens upon American citizens, some two thousand (2,000) applications for renunciation poured into the Department of Justice in Washington, D. C. Such a great number of applications caused the Tule Lake Center Post Office system to break down under the pressure.

36. On December 27, 1944, seventy leaders and officers of the resegregation group were removed to the Alien Internment Camp in Santa Fe, New Mexico. These men were the most active leaders in the reign of terror which existed in the center during the renunciation hearings. The removal of these seventy leaders gave the remaining terrorists and propagandists a stronger foothold over the pro-Japanese organizations.

37. In January 1945, Mr. John L. Burling again left Washington, D. C., for California with hearing officers, Charles M. Rothstein, Joseph J. Shevlin, Ollie Collins, and Lillian C. Scott.

38. Enroute to California, another avalanche of three thousand four hundred (3,400) additional applications for renunciation were received by the Department of Justice.

39. On January 11, 1945, the Department of Justice [324] hearing officers arrived at the Tule Lake Center. By the time they arrived, of seven thousand (7,000) citizens over the age of eighteen (18) years, over five thousand (5,000) had applied for renunciation of their citizenship.

40. On January 18, 1945, Mr. Burling released a letter written on behalf of the Attorney General condemning the activities of the resegregation group stating that they were "intolerable and they must cease." This letter was addressed to the Chairman of the Sokuji Kikoku Hoshidan and the Chairman of the Kokoku Seinen-dan as follows: "I am well aware that your two organizations have put pressure on residents of this center to assert loyalty to Japan and that in a number of cases physical violence was employed. . . . It is as treasonable to coerce others into asserting loyalty to Japan here as it would be outside. All these activities will stop."

41. On January 26, 1945, the second group of pro-Japanese organization leaders and officers were removed to the Department of Justice Internment Camp at Santa Fe, New Mexico. About six hundred and fifty (650) members of the organization were removed on February 11, 1945, and one hundred and twenty-five (125) men were removed to the same camp on March 4, 1945.

42. On January 29, 1945, a statement by Mr. Dillon Myer was released in the project newspaper that "those who do not wish to leave the Tule Lake Center are not required to do so and may continue to live here or at some similar center until January 1, 1946.

43. On February 11, 1945, after six hundred and fifty (650) members of the pro-Japanese organizations had been removed by the Department of Justice to the Santa Fe Alien Internment Camp, the anxiety and panic of the residents reached a new peak. Lawlessness, gangsterism, and hoodlumism prevailed at the center during this period. The residents of the Tule Lake Center had for almost four years been subject to the demoralizing effects of center life. [325] They had suffered physical hardship and loss of property from the evacuation. They had been stigmatized by the press as rioters. Those who desired work were not given employment. They had been subject to misinterpretation of the renunciation procedure. They had been subject to rumors which had produced an irrational state of mind, which accompanied long detention, isolation, tension, and insecurity in the form of a mass hysteria.

44. On March 16, 1945, the War Relocation Authority announced to the residents that the activities in which the pro-Japanese group had taken part, e. j., parades, drilling, and bugling, were unlawful and prohibited. This announcement came after the pressure by these disloyal elements had accomplished the purpose of having obtained a renunciation by a great majority of the residents of their citizenship.

45. Albert Yuichi Inouye applied for renunciation of his citizenship when he was seventeen (17) years of age and his renunciation was approved by the Attorney Gen-

eral when he was eighteen (18) years of age, under a combination of circumstances which amounted to undue influence and parental coercion.

46. Miye Mae Murakami lived during the entire renunciation procedure in Block 75 of Ward 8, admittedly the most rabid pro-Japanese section of the entire Tule Lake Center. She lived in an atmosphere of fears, threats, and scares stirred up by gangsters and hoodlums of the pro-Japanese organizations. She was threatened with her life unless she renounced, even in the supposed privacy of the women's washroom when rough-looking men invaded such room to put the women in fear of physical harm. She lived in an atmosphere of assaults, batteries, stabbings, and pressures from neighbors. She had heard of the mysterious murder of a leader of the Japanese community and that other residents would meet the same [326] fate unless they renounced their citizenship. These threats and fears resulted in her losing completely any sense of perspective or balance in her thinking. She renounced her citizenship not of her own free will but by the pressure exerted upon her by the life in the community and by the fears that prevailed in the center.

47. Tsutako Sumi resided in Block 75, Ward 8. She lived in an atmosphere of threats, wild distorted reports and rumors. The pro-Japanese gangs attempted to force everyone in the block to renounce their citizenship. The leaders applied pressure upon her husband to force him to coerce his wife to renounce her citizenship. She was cognizant of the beatings which had been imposed upon residents who had dared to oppose the pro-Japanese groups. She knew that the center police force, composed of Japanese evacuees, could never give her adequate protection in the case of an assault. She was also caught in

a whirlpool of mass anxiety, pressures, ridicules, and threats, which in the end resulted in her renouncing her citizenship against her will.

48. Mutsu Shimizu had heard of a murder committed upon a resident of the center which was followed by threats from pro-Japanese groups that other residents would meet the same end if they did not renounce. She was fearful of physical violence from Caucasians if she relocated. The pro-Japanese societies constantly stirred her emotions, fears, and anxieties. She lived in an atmosphere of pressures, compulsions, influences, and coercions which deprived her of any voluntary willingness to renounce her citizenship. Being subject to and living daily in such an atmosphere caused her to renounce her citizenship.

CONCLUSIONS OF LAW

1. This Court has jurisdiction under the provisions of 8 U. S. C. 903 (54 Stat. 1171) and under the provisions of Judicial [327] Code Section 274d, Amended (28 U. S. C. 400).

2. The purported renunciation by plaintiff Albert Yuichi Inouye, a minor under the age of twenty-one (21) years, who purported to renounce his citizenship because of parental compulsion is void and of no force or effect.

3. The plaintiff Albert Yuichi Inouye, a minor under the age of twenty-one (21) years, was under a legal disability to renounce his civil rights. Therefore, his purported renunciation of citizenship is void and of no force or effect.

4. The benefits of citizenship can be renounced or waived only as the result of free and intelligent choice. Since the purported renunciation of the plaintiffs Miye Mae Murakami, Tsutako Sumi, and Mutsu Shimizu was not as a result of their free and intelligent choice but rather because of mental fear, intimidation, and coercions depriving them of the free exercise of their will, said purported renunciations are void and of no force or effect.

5. All of the plaintiffs are entitled to have their purported renunciations cancelled and they are further entitled to be restored to their full rights of citizenship.

6. Judgment is hereby ordered to be entered cancelling the purported renunciations of all the plaintiffs and adjudging that all the plaintiffs be restored to their full rights as citizens of the United States. [328]

Dated this 18th day of September, 1947.

CHARLES C. CAVANAH

Judge, United States District Court

Approved as to form under local rules 7(a) of the United States District Court this 17th day of September, 1947. James M. Carter, United States Attorney; Ronald Walker, Assistant United States Attorney, Attorneys for Defendants.

[Endorsed]: Filed Sep. 18, 1947. Edmund L. Smith, Clerk. [329]

In the District Court of the United States in and for the
Southern District of California

Central Division

No. 5945-W

ALBERT YUICHI INAUYE, MIYE MAE MURA-
KAMI, TSUTAKO SUMI and MUTSU SHIMIZU,
Plaintiffs,

vs.

TOM C. CLARK and WILLIAM A. CARMICHAEL,
Defendants.

JUDGMENT

The above cause having come on for trial on August 18, 1947, the parties hereto having stipulated that the testimony submitted to the Court in affidavits filed in behalf of both the plaintiffs and the defendants upon motions for summary judgment, may be considered by the Court upon said trial upon the merits and that the various affiants would, if called, testify to the factual matter set forth in their respective affidavits,

And the Court being fully advised in the premises and having made and filed its Findings of Fact and Conclusions of Law and the Court having ordered judgment herein in favor of the plaintiffs, Albert Yuichi Inouye, Miye Mae Murakami, Tsutako Sumi, and Mutsu Shimizu, and against the defendants, Tom C. Clark and William A. Carmichael,

Now, Therefore, It Is Hereby Ordered, Adjudged and Decreed That: [330]

The renunciations of United States citizenship pursuant to Section 801(i) of the Nationality Act of 1940, executed by the plaintiffs and each of them and approved by the Attorney General, are null and void and cancelled; and that the plaintiffs and each of them are hereby restored to their rights of United States citizenship.

Dated at Los Angeles, California, this 18th day of September, 1947.

CHARLES C. CAVANAH

United States District Judge

Approved as to form under local rules 7(a) of the United States District Court this 18th day of September, 1947. James M. Carter, United States Attorney; Ronald Walker, Assistant United States Attorney, Attorneys for Defendants.

Judgment entered Sep. 18, 1947. Docketed Sep. 18, 1947. C. O. Book 45, page 542. Edmund L. Smith, Clerk; by E. M. Engstrom, Jr., Deputy.

[Endorsed]: Filed Sep. 18, 1947. Edmund L. Smith, Clerk. [331]

[Title of District Court and Cause]

NOTICE OF APPEAL

You Will Please Take Notice that the defendants Tom C. Clark and William A. Carmichael do hereby appeal to the United States Circuit Court of Appeals for the 9th Circuit from the judgment of the above-entitled District Court entered September 18, 1947, in favor of plaintiffs and against said defendants, and from the whole thereof.

JAMES M. CARTER

United States Attorney

RONALD WALKER

Asst. United States Attorney

Attorneys for Respondent and Appellant

[Endorsed]: Filed; mld. copy to Frank Chuman, 257 So. Spring, L. A. 12, Atty. for Plfs., Dec. 10, 1947. Edmund L. Smith, Clerk. [332]

[Title of District Court and Cause]

ORDER EXTENDING TIME TO FILE RECORD
ON APPEAL

Pursuant to the stipulation of the parties of the above-entitled action, the time within which appellants may file the record on appeal and docket the said action in the Circuit Court of Appeals is hereby extended to and including February 20, 1948.

Dated: This 15th day of January, 1948.

C. E. BEAUMONT

Judge, United States District Court [333]

[Title of District Court and Cause]

STIPULATION FOR EXTENSION OF TIME TO
FILE RECORD ON APPEAL

It Is Hereby Stipulated by and between the respective parties to the above entitled action that the time within which appellant may file the record on appeal herein and docket said action with the Circuit Court of Appeals may be extended to and including February 20, 1948.

Dated: This 15th day of January, 1948.

WIRIN, KIDO, OKRAND AND CHUMAN

By Frank Chuman

Attorneys for Plaintiffs and Appellees

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants and Appellants

[Endorsed]: Filed Jan. 15, 1948. Edmund L. Smith,
Clerk. [334]

[Title of District Court and Cause]

STIPULATION RE ORIGINAL EXHIBIT ON
APPEAL

It Is Hereby Stipulated by and between the parties to the above-entitled action that in forwarding the record on appeal to the Clerk of the Circuit Court of Appeals, the original of Exhibit "A" to the affidavit of A. L. Wirin filed in support of motion for summary judgment being a book entitled "The Spoilage", may be forwarded as a part of said record.

Dated: This 15th day of January, 1948.

WIRIN, KIDO, OKRAND AND CHUMAN

By Frank Chuman

Attorneys for Plaintiffs and Appellees

JAMES M. CARTER

United States Attorney

RONALD WALKER

Assistant United States Attorney

Attorneys for Defendants and Appellants

It Is So Ordered: This 15th day of January, 1948.

C. E. BEAUMONT

Judge, U. S. District Court.

[Endorsed]: Filed Jan. 15, 1948. Edmund L. Smith,
Clerk. [337]

[Title of District Court and Cause]

CERTIFICATE OF CLERK

I, Edmund L. Smith, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 337, inclusive, contain full, true and correct copies of Amended Complaint Under Nationality Act; Stipulation filed Mar. 14, 1947; Answer to Amended Complaint; Notice of Hearing and Motion for Summary Judgment on Behalf of Defendants; Affidavits of Rosalie Hankey, John L. Burling, Joseph J. Shevlin and Charles M. Rothstein in Support of Motion of Defendants for Summary Judgment; Stipulation and Order re Affidavit in Support of Motion for Summary Judgment; Minute Order Entered August 12, 1947; Notice of Hearing and Motion for Summary Judgment on Behalf of Plaintiffs; Affidavits of A. L. Wirin, Louis M. Noyes, Robert H. Ross, Harry L. Black, Marvin K. Opler, John Alden, Fritz Kunkel, Miye Mae Murakami, Tsutako Sumi and Mutsu Shimizu in Support of Motion of Plaintiffs for Summary Judgment; Minute Order Entered August 18, 1947; Stipulation and Order re Hearings on Motion for Summary Judgment and Submission of Case on the Merits; Affidavit of Abe Fortas; Minute Order Entered September 5, 1947; Opinion; Stipulation and Order for Substitution of Party Defendant; Findings of Fact and Conclusions of Law; Judgment; Notice of Appeal; Order Extending Time to File Record on Appeal; Stipulation re Record on Appeal and Stipulation and Order re Original Exhibit on Appeal which, together with the original Exhibit A to the affidavit of A. L. Wirin, transmitted herewith, con-

stitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

Witness my hand and the seal of said District Court this 23 day of January, A. D. 1948.

(Seal)

EDMUND L. SMITH,

Clerk,

By Theodore Hocke,

Chief Deputy Clerk.

[Endorsed]: No. 11839. United States Circuit Court of Appeals for the Ninth Circuit. Tom C. Clark, Attorney General of the United States and William A. Carmichael, District Director, Immigration and Naturalization Service, United States Department of Justice, District 16, Appellants, vs. Albert Yuichi Inouye, Miye Mae Murakami, Tsutako Sumi and Mutsu Shimizu, Appellees. Transcript of Record. Upon Appeal From the District Court of the United States for the Southern District of California, Central Division.

Filed January 26, 1948.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

In the United States Circuit Court of Appeals
for the Ninth Circuit

No. 11839

TOM C. CLARK and WILLIAM A. CARMICHAEL,
Appellants,

v.

ALBERT YUICHI INOUE, MIYE MAE MURA-
KAMI, TSUTAKO SUMI and MUTSU SHIMIZU,
Appellees.

STATEMENT OF POINTS
RULE 19(6)

Pursuant to Rule 19(6) of the rules of this Court, Appellants Tom C. Clark and William A. Carmichael submit herewith a concise statement of the points on which they intend to rely on the within appeal:

1. The District Court lacked jurisdiction generally over the subject matter of appellants or either of them under the Nationality Act of 1940, 8 U. S. C., Section 903, and particularly by reason of fact that appellee did not allege or prove denial of any right or privilege as a national of the United States.

2. Appellees did not allege or prove a claim upon which relief could be granted under said Nationality Act.

3. The District Court erred in holding that the acts of the appellees in renouncing their citizenship pursuant to the act of January 20, 1944, 8 U. S. C., Section 801(1),

were null and void in the circumstances related in the court's Findings of Fact.

4. The District Court erred in holding that the said acts of renunciation by appellees were made under undue influence, duress and coercion and not of their free will and act.

5. The District Court erred in holding that as to the appellee Albert Yuichi Inouye, his application for renunciation of citizenship was also null and void for the reason that he was not of competent legal age at the time he made his application for renunciation.

6. The Findings and Judgment are not supported by the evidence.

7. The decision is against the law.

JAMES M. CARTER

United States Attorney

[Endorsed]: Filed Mar. 3, 1948. Paul P. O'Brien,
Clerk.

